# Appendices to General Rules And Circular Orders.

## The High Court of Judicature at Fort William In Bengal

## (Appellate Side Chiminal)

1891

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# GENERAL RULES

AND

# CIRCULAR ORDERS

OF THE

# H COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL

(APPELLATE SIDE, CRIMINAL).

High Court,

APPELLATE JURISDICTION.

THIS edition of the General Rules and Circular Orders Criminal) is issued for the use of all Criminal Courts ubordinate to the High Court in lieu of the edition of 883.

By order, &c.,

H. W. C. CARNDUFF,

*Registrar.*

n
CALCUTTA,
*he 1st May*, 1891.

# INSTRUCTIONS.

ALL Circulars which are intended to be permanent will issue in the form in which they are intended to appear in this and future compilations of the Court' Rules and Orders. These should be filed, as heretofore in chronological order.

A sheet will be issued, as a rule, every month, giving all the corrections and addenda for the preceding month This sheet will be printed on one side of the paper only and should be cut up into slips and inserted in their proper places in the Code.

All matters of temporary interest or importance, or which are not to be included in the edition of codified Circulars, will issue in the form of "General Letters."

In future, when making any reference to the Court's Circulars, officers should quote, not the number and date of the Circular itself, but the Chapter, Rule, para and page in this edition.

By order, &c.,

H. W. C. CARNDUFF,

*Registrar.*

CALCUTTA,

*The 1st May*, 1891.

# PREFACE.

THIS edition of the General Rules and Circular Orders of the High Court, applicable to the Subordinate Criminal Courts, is based mainly on the codified edition of the Rules, &c., prepared by Mr. Wilkins in 1883. Rules and Circular Orders which have been issued since the publication of that edition have been added, and obsolete rules and parts of rules have been omitted.

The arrangement adopted in Mr. Wilkins' edition has not been followed, as it has been found to be inconvenient for the purposes of reference. In the present edition rules having the force of law and instructions issued for the guidance of Judicial Officers have not been separated and placed in different chapters; but, in order to prevent misapprehension, Rules having the force of law have been distinguished from instructions by the insertion in the headings of the former of the words "Rule" or "Rules" in capital letters.

In Chapter I the rules and instructions which have been issued supplementary to, or in explanation of, the provisions of the Code of Criminal Procedure have been arranged in the order in which the matters to which they relate appear in that Code, and these are followed by such rules and instructions relating to Practice and Procedure as have been issued under other Acts. The Account Rules have been inserted for the convenience of District Magistrates, and the rules and instructions connected with other subjects have been grouped in chapters in a form convenient for reference.

The arrangement and amendments have been carried out under the supervision of Mr. Justice Prinsep and in accordance with instructions approved by the Judges of the Full Court.

HIGH COURT;
*The 4th April*, 1891.

C. M. W. BRETT,
*On Special Duty.*

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TO

# THE RULES AND ORDERS

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SECRETARIAT
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# CHAPTER I.

RULES AND INSTRUCTIONS RELATING TO THE PRACTICE AND PROCEDURE OF CRIMINAL COURTS SUBORDINATE TO THE APPELLATE JURISDICTION OF THE HIGH COURT.

## General instructions for the conduct of judicial work.

1. [*Magistrates to attend Office regularly—C. O. No.* 21 *of* 24*th April* 1829.]—Criminal Authorities should refrain from, and strictly interdict on the part of those subject to their authority, the objectionable practice of transacting their public business in their private residences, and not attending regularly the public cutcherries. A Magistrate can never be as accessible to the natives in his own house as in the public cutcherry; and unless there are fixed hours for transacting business in the public cutcherries, petitioners, &c., &c., will be either deterred from attending, or constantly subject to much inconvenience and expense.

2. (*a*) [*When trials can proceed on Sundays and gazetted Holidays—C. O. No.* 5 *of* 10*th January* 1880.]—Without the consent of parties, and in the absence of urgent necessity, no criminal enquiry or trial shall be held on a Sunday or gazetted holiday.

(*b*) This paper shall include every interlocutory order, from the date of complaint or the date on which the accused is sent in custody to the Magistrate by the Police and shall also contain the substance of the final order.

(*c*) Each order entered in the Order-sheet shall be signed by the Magistrate. The Order-sheet shall be kept in charge of the same officer who has custody of the trial nuthee, and at the conclusion of the trial shall be permanently attached thereto[1].

## General Provisions.

4. [*Section 72, C. C. P.—Service of summons upon persons in the employment of Government.*]—(*a*) [*C. O. No.* 14 *of 6th December* 1866.]—Whenever a summons to appear as a witness in a criminal case is issued against an officer of Police, it shall be served upon such officer through the Superintendent of the district, or the Assistant in charge of the sub-division to which such officer may belong.

(*b*) [*C. O. No.* 1 *of* 10*th January* 1868.]—All summons on medical subordinates[2] at sub-divisions shall be served through the Magistrate or other executive head of the district, in order to enable him, in communication

[1] This rule is also inserted in the rules relating to records for convenience of reference. see page 170.

[2] The following instructions have been issued by the Government of Bengal with regard to the summoning of medical witnesses before Courts of Sessions:—.

The Lieutenant-Governor considers it desirable to draw the attention of all District Magistrates to the provisions of section 509 of the Code of Criminal Procedure. If Magistrates carefully and fully record medical evidence, there will be no necessity for summoning the medical witnesses to attend before the Sessions Court, except for special reasons in particular cases. The accused persons or their pleaders should be asked at the time of commitment whether they wish to have the medical witness summoned before the Sessions Court, or whether they consider that the evidence recorded by the Magistrate, which should be carefully attested in their presence, is sufficient. If they desire the personal attendance of the medical witness, this should be regarded as a sufficient reason for summoning him—(*No.* $1\frac{C}{3}15$ *of* 11*th November* 1890, *to all Commissioners.*)

with the Civil Surgeon, to make arrangements for the conduct of their medical duties during their absence.

(*c*) [*C. O. No.* 24 *of* 24*th June* 1878.]—Whenever it may be necessary to summon an officer or soldier in Military employ to attend a Criminal Court as a witness, the process-server, who is to serve the summons, shall be instructed to take it under cover to the officer in command of the Regiment or detachment with which the witness may be serving, and to apply for his assistance in serving it. With this assistance, the process-server shall then proceed to serve the process, and shall make his return direct to the Court. In such cases sufficient time should always be given to admit of arrangements being made for the relief of the witness summoned.

(*d*) [*C. O. No.* 8 *of* 22*nd August* 1878.]—When Jail or other Departmental Officers of Government who reside in the station are summoned as witnesses, arrangements should be made to send for them only when actually wanted.

5. [*Section* 88, *C. C. P.—Sale of Revenue-paying Land attached by Magistrate upon the absconding of an Accused Person—C. O. No.* 7 *of* 17*th August* 1878.]—The Board of Revenue have, at the instance of the Court, issued the following instructions (*vide* Board's C. O. No. 9 of July 1878) to Collectors in connection with the attachment and sale, under section 88 of the Criminal Procedure Code, of land paying revenue to Government :—

"The High Court have represented that Collectors of Districts, who hold sales of land paying revenue to Government from time to time, could more conveniently and advantageously hold sales of such attached land as is above referred to, situated within their jurisdictions, than could Magistrates, especially in cases where the Magistrate is in another district. The Board therefore direct that Collectors will in future comply with the requisitions of Magistrates to hold sales in such cases ; and it is further directed that in these cases the procedure in respect of advertisement, sale, and delivery of possession, in the case of sales in execution of decrees of Civil Courts under Act XIV of 1882 (The Code of Civil Procedure), may be strictly followed."

6. [*Section* 90, *C. C. P.*—*Witnesses not to be treated as Criminals*—*C. O. No.* 21 *of* 22*nd November* 1864.]—Witnesses brought up under arrest should be dealt with, not as criminals, but simply as persons arrested on civil process.

7. [*Section* 93, *C. C. P.*—*Language to be used in all processes issued by Criminal Courts*—*C. O. No.* 4 *of* 18*th December* 1888.]—Processes of all kinds issuing out of a Magistrate's Court should be written "in the language in ordinary use in the district in which it is held," that is to say (with certain exceptions), the language in which the proceedings of the several Courts are conducted But where a process is sent for execution to the Magistrate of a district in the same Province or in a different Province, where a different language is in ordinary use, the process should invariably be accompanied by a translation, certified by the transmitting Magistrate to be correct, into such other language or into English. Moreover, in such cases it would be proper that the process should be accompanied by a letter in English requesting its execution.

8. [*Particulars to be entered in processes issued to persons living in large towns*—*G. L. No.* 2 *of the* 10*th January* 1887.] —In a process issued against a person residing in a large town, the description should contain not merely the name and father's name of the person to whom the process is addressed and the name only of the town in which such person resides, but should give such further particulars regarding the section or street of the town in which such person resides as can be ascertained and will facilitate his identification.

## Confessions.

9. (*a*) [*Section* 164, *C. C. P.*—RULE. *Instructions regarding the recording of Confessions**—*C. O. No.* 3 *of* 24*th March*

* For form for recording confessions see page

1880 ]—It is desirable that Magistrates should act with deliberation in examining persons brought before them for the purpose of making confessions, and should, as far as possible, satisfy themselves that the confession is voluntary—and this, not merely from the declaration of the accused, but from an attentive observation of his demeanour.

(*b*) [*Police Officer who brought the Prisoner not to be present or to suggest questions— C. M. No. 7 of 30th July* 1873.]—It is not proper to allow the Police officer who brought the prisoner to be present while the confession is being recorded by a Mohurir and to suggest questions to be put to the confessing prisoner.

**Proceedings in prosecutions.**

10. [*Section* 200, *C. C. P.*—RULE. *Complaints how to be dealt with.*]—(*a*) [*C. O. No.* 4 *of* 25*th February* 1873.]—The examination of the complainant is not to be a mere form, but an intelligent inquiry into the subject-matter of the complaint, carried far enough to enable the Magistrate to exercise his judgment as to whether there is or is not sufficient ground for proceeding.

(*b*) [*C. O. No.* 6 *of* 16*th May* 1864.]—The Magistrate is bound to receive all complaints, whether they be preferred orally or in writing.

11[1]. [RULES *for receiving complaints—Rule No.* 12 *of* 15*th September* 1884.]—Complaints should be received daily at a fixed hour either at the commencement or at the close of the day's sitting, and should be immediately numbered in the order of their receipt. They should be entered in the language employed by the presiding Magistrate in recording evidence in a Register to be kept in the form[2] prescribed in Chapter V, Rule 1. The

[1] Amended on the revision of the Rules in 1891.

[2] See page 194.

entries[1] should be made immediately after the receipt of the complaints if complaints are received in the morning, or, if complaints are received in the evening, the first thing on the following morning, and the entries should be signed by the Magistrate as soon as they are made. When a case is made over for trial to another officer, an entry to this effect should be made in the column for preliminary orders.

12. [*Section* 202, *C. C. P.—Caution against the indiscriminate use of the Police for the investigation of Complaints—C. O. No.* 7 *of* 20*th July* 1871.]—Magistrates are cautioned against the indiscriminate use of Police agency for the purpose of ascertaining matters as to which a Magistrate is bound to form his own opinion upon evidence given in his presence. This caution is especially needful in respect of all cases regarding offences not cognizable by the Police.

## Cases triable by the Court of Session or High Court.

13. [*Chapter XVIII, Section* 210, *C. C. P.—Some of the persons implicated in the commission of the same offence should not be tried by the Magistrate whilst others are committed to the Sessions—C. O. No.* 100 *of* 27*th May* 1862.]—When several persons are accused of the commission of the same offence, it would be obviously inconvenient if a Magistrate were to punish some and commit others to the Court of Session; and, as the Code does

[1] Cases instituted under sections 182, 193, and 211, I. P. C., and cases sent by the Civil Courts for judicial enquiry, should be shown in the "Register of Criminal Complaints," being undoubtedly "complaints" made by private parties, or, on behalf of Government, by its officials.—(H. C. 812 of 1882.)

Excise cases, unless *chalaned* by the Police, must be shown in the "Register of Criminal Complaints," as also cases under sections 174, 188, and 312, I. P. C.—(H. C. 811 of 1882.)

not seem to contemplate such procedure, the Magistrate should, if he considers the case to be one for the Sessions, commit all those concerned for trial before that tribunal.

14. [*Chapter XVIII, C. C. P.—Magistrate's Record of Commitment to consist of what papers—C. O. No.* 1 *of* 23*rd January* 1872.]—When a commitment is made to the Court of Session, the record of the Magistrate is to include—

*First.*—The proceeding by which the case is originated in the Magistrate's Court.

*Secondly.*—All papers showing the steps taken under the authority of the Magistrate upon the complaint; the summons, if any, and its return; the warrant and the return, or other documents showing how and when it has been executed; also any search-warrant, and the report showing how it has been executed.

*Thirdly.*—The report, if any, on such enquiry as that under sections 174 and 202.

*Fourthly.*—The orders, if any, sanctioning the prosecution, when such sanction is necessary.

*Fifthly.*—The order, if any, withdrawing the case from one Court or transferring it to another Court.

The papers on the record of the Magistrate are not evidence in the Court of Session either for or against the accused, except so far as they are formally put in at the trial and accepted by the Court as evidence.

15. [*Chapter XVIII, C. C. P.—Directions for the guidance of Magistrates in making Commitments to the Court of Session—C. O No.* 5 *of* 14*th October* 1879.]—

(*a*) Whenever a case is committed to the Court of Session, the names of the witnesses shall be entered on the back of the charge sheet which has to be forwarded

*Cancel* clauses (*c*), (*d*) and (*e*) of Rule 15, Chapter I, page 9, and *substitute* therefor the following :—

(*c*) It shall be the duty of every Magistrate holding an inquiry, in which a commitment may be necessary, to accelerate his proceedings so as to make the commitment, if possible, before the date fixed for the commencement of the ensuing Sessions, and it shall be the duty of every superior Magistrate, that is, the District Magistrate or Sub-Divisional Magistrate, to carefully supervise the proceedings of every Magistrate subordinate to him so that this may, so far as possible, be attained.

(*d*) A Magistrate making a commitment to the Court of Session, shall notify the same, without delay, to that Court, stating, at the same time, the number of days over which, in his opinion, the trial is likely to extend. The Sessions Judge shall then fix the day for trial, informing the Magistrate, who shall then notify the same to the witnesses through the Local Police. The Magistrate and the Local Police, shall be responsible for the necessary arrangements to ensure the attendance of the witnesses and the accused at the day of trial.

The notice to the Court of Session shall be in the following form :—

From—THE MAGISTRATE OF .

To—THE SESSIONS JUDGE OF .

SIR,

I beg to report that I have this day committed, to take his trial before the Court of Session, the person named in the margin, on the charge specified below. The time which the trial will occupy will probably be about . . . . days.

I have, etc.,

A. B.,

*Magistrate (as the case may be).*

(*Charges should follow here.*)

Re-number clauses (*f*) to (*i*) of the same Rule as clauses (*e*) to (*h*). (*Rule No. 4 of 1st July 1901.*)

to that Court under section 218 of the Code of Criminal Procedure.[1]

(*b*) The observations or judgment of the Magistrate in committing the prisoner shall always go up in original with the record, and they, with the original depositions, should be read by the Judge before the trial. Abstracts of the evidence are considered unnecessary, and they are at times misleading.

(*c*) Magistrates should be careful to arrange their commitments with a view to the trials taking place at the earliest or next ensuing Session, in order to avoid the needless detention of accused persons for prolonged periods.

(*d*) Whenever a commitment is made, intimation shall be immediately given to the Court of Session, through the Magistrate of the district, by a letter in the following form:—

From—THE MAGISTRATE OF

To—THE SESSIONS JUDGE OF

SIR,—I beg to report that I have this day committed, to take his trial before the Court of Session, the person named in the margin on the charge specified below.

I have, &c.,

A. B,

*Magistrate (as the case may be)*

(*Charges should follow here.*)

(*e*) It will be unnecessary for the Court of Session to send any answer fixing a date for the trial, but the Judge will be guided by the information which he thus receives in estimating the time which it will be necessary to devote

[1] The charge itself should form part of the Sessions' record; if it forms part of the Magistrate's record, it should be detached therefrom in the same manner as the examination of the accused, or any evidence taken in the Magistrate's Court, which, for some special reason, is made evidence at the Sessions trial.—(*H. C.*, 213, 1884.)

to the Criminal Sessions, and consequently at what period he will be able to take up Civil business thereafter.

(*f*) Prosecutors and witnesses should be bound over to appear "at the next Criminal Sessions commencing on

(*g*) It will be the duty of the Magistrate, in order to prevent hardship and unnecessary detention to such persons, so to arrange the coming on of cases before the Court of Session that such parties may not be brought from their homes to the Sudder Station before they are actually required, and that they should have written notice of the specific date on which their attendance will be necessary, and it should be carefully explained that failure to attend will be severely dealt with.

(*h*) The directions herein contained for Committing Magistrates are to be observed, so far as they are applicable, by Civil Courts and other authorities committing persons for trial at the Sessions.

(*i*) At each periodical Session all persons awaiting trial shall be brought before the Judge in open Court; and, if the Government Prosecutor is not prepared to go to trial in any particular case, he should be required to show cause, properly supported, why the accused should not be acquitted and released, the accused himself being also heard in answer to such cause shown.

(*j*) Sessions Judges are reminded that trials must not be too lightly postponed.[1] It should be always borne

[1] A Sessions Judge is not authorised to postpone, to a subsequent Sessions, cases of which he has received notice before the commencement of the Sessions *next* ensuing, on the ground that the number of days which he has assigned for that particular Sessions have been filled up. The number of days devoted to Sessions duties must depend upon the number of cases committed in due time. All commitments of which he receives timely notice before the commencement of a Sessions should be disposed of at that Sessions; unless, of course, there is some good reason for postponement in particular instances—(*H C.* 1685, 1882).

in mind that a further detention of an accused person in jail for perhaps two months is in itself no trivial infliction, and is only justified when there is apparently a good case against the prisoner, and when the Judge is satisfied that, for the ends of justice, it is necessary to postpone the trial.

16. [*Chapter XVIII, C. C. P.—Instructions as to cases where death has ensued, but it is doubtful whether the offence of culpable homicide has been committed—C. O. No. 9 of 6th September* 1869.]—In cases where death appears to have resulted from injuries voluntarily inflicted by the party accused, Magistrates ought to be very careful not to take it upon themselves to absolve the accused from the graver charge, and convict of hurt or grievous hurt only, unless they are quite clear that there is no sufficient evidence to warrant a commitment to the Sessions for murder, or culpable homicide not amounting to murder.

17. *Chapter XIX, Section* 238, *C. C. P.—Framing of separate minor charges—C. O. No. 9 of 26th August* 1878.]—Under the provisions of section 238 of the Criminal Procedure Code of 1882, it is unnecessary to frame separate charges in respect of minor offences of the same class included in an offence of a graver character with which an accused person is charged.

## Summons Cases.

18. [*Chapter XX, C. C. P.—Evidence of witness who appears to be giving false evidence to be recorded at length in the vernacular—C. O. No. 4 of 30th March* 1864.] —When during the investigation of a complaint under Chapter XX of the Code of Criminal Procedure, it may appear to the Magistrate that a witness is giving false evidence, so that criminal proceedings against such witness are

likely to be necessary, the Magistrate will exercise a sound discretion in taking down, under section 359, at least the evidence of this particular witness at length in the manner prescribed in sections 356, 357, and 360.

### Summary Trials.

19 [*Chapter XXII, C. C. P.—Inspection of Records*[1] *of Summary Trials—C. O. No.* 1 *of* 11*th January* 1881.]—District Magistrates should satisfy themselves from time to time that the law regarding summary trials is properly observed, and especially that Magistrates do not exceed their jurisdiction—a duty which may most conveniently be performed by an occasional and not infrequent examination of the Records of Summary Trials.

### Rules for the selection of Jurors.

20. [*Section* 276, *C. C. P.*—RULES *for the selection of Jurors by lot from the persons summoned to act as such—Rule No.* 4 *of* 25*th June* 1885.]—The following rules, made under the authority conferred by section 276, Act X of 1882 (Code of Criminal Procedure), are laid down for the guidance of the Subordinate Criminal Courts:—

*Courts of Session.*

I.—In order to nominate a jury for the trial of any prisoner, or other persons to be tried by jury, the Sessions Judge shall cause to be put together. in one box cards or pieces of paper containing the names of all the persons summoned to attend, except such of the said persons as shall have been excused by the Sessions

[1] Revised by Rule No. 3 of the 22nd October 1883.

Judge from serving on that day in consequence of their having served as jurors on the previous day, or for any other cause. Such cards or pieces of paper shall be, as nearly as may be, of equal size, and each shall bear the name of one person summoned to attend. The Sessions Judge shall then, in open Court, draw, or cause to be drawn, out of the said box, one after another, as many of the said cards or pieces of paper as may represent the number of Jurors required to try the case[1]; and if any

[1] The number of jurors has been fixed as follows (Section 274, Cr. P. C.):—

(1) When accused is a European (not a European British subject) or an American, the jury shall consist—

(*a*) of five persons in the following districts, *viz.* :—

| | | |
|---|---|---|
| Burdwan. | Moorshedabad. | Sarun and Chumparun. |
| Midnapore. | Dacca. | Monghyr. |
| Hooghly. | Patna. | Bhagulpore. |
| Howrah. | Shahabad. | Cuttack. |
| 24-Pergunnahs. | Tirhoot | |

(*b*) of three persons in the following districts, *viz.* :—

| | | |
|---|---|---|
| Bankura. | Furridpore. | Balasore. |
| Birbhoom. | Backergunge. | Hazaribagh. |
| Nadiya. | Mymensingh. | Lohardugga. |
| Jessore. | Sylhet. | Singhbhoom. |
| Dinagepore. | Cachar. | Manbhoom. |
| Maldah. | Chittagong. | Goalparah. |
| Rajshahye. | Noakhally. | Kamroop. |
| Rungpore. | Tipperah. | Darrang. |
| Bogra | Gya. | Nowgong. |
| Pubna. | Purneah. | Sibsagar. |
| Darjeeling. | Sonthal Pergunnahs | Luckimpore. |
| Julpigori. | Pooree. | |

(*Notification, Government of Bengal, 4th January* 1873, "Calcutta Gazette," *22nd ib., Part I, page* 152.)

(2) When accused is not a European or American, the jury shall consist of five persons in all the districts to which the system of trial by jury has been, or may hereafter be, extended.

(*Notification, Government of Bengal, 4th June* 1873, "Calcutta Gazette," *11th ib, Part I, page* 741.)

of the Jurors whose names shall be so drawn shall not appear, or if any be objected to, and the objection be allowed, then such further number shall be drawn as may be necessary to complete the number of Jurors required for the case.

---

(3) When accused is a European British subject, the jury shall consist—

(*c*) of five persons in the districts named in the subjoined List A, and of three persons in the districts named in List B :—

LIST A.

| | | |
|---|---|---|
| Bhagulpore. | Hooghly. | Mozufferpore. |
| Burdwan. | Howrah. | Nadiya. |
| Chittagong. | Jessore. | Patna. |
| Chumparun. | Lohardugga. | Purneah. |
| Dacca. | Midnapore. | Sarun. |
| Durbhunga. | Monghyr. | 24-Pergunnahs. |
| Hazaribagh. | Moorshedabad. | |

LIST B.

| | | |
|---|---|---|
| Backergunge. | Furreedpore. | Pooree. |
| Balasore. | Gya. | Pubna. |
| Bankura. | Julpigori. | Rajshahye. |
| Beerbhoom. | Khoolna. | Rungpore. |
| Bogra | Maldah. | Shahabad. |
| Cuttack. | Manbhoom | Singhbhoom. |
| Darjeeling. | Mymensingh. | Sonthal Pergunnahs. |
| Dinagepore. | Noakhally. | Tipperah. |

(*Notification, Government of Bengal, 17th June* 1885.)

and of five persons in the following districts in Assam, in trials before the Court of Session as well as in trials before a District Magistrate under the provisions of Act III of 1884 :—

| | |
|---|---|
| Goalpara. | Nowgong. |
| Darrang | Luckhimpore (excluding the Dibrugarh frontier tract). |
| Sibsagar. | Cachar (excluding the North Cachar frontier tract). |
| Sylhet. | |
| Kamroop. | |

(*Notification, Chief Commissioner, Assam, No.* 53 *of 2nd July* 1885 )

II.—In cases in which not less than one-half of the jury must be either Europeans or Americans (Section 460, C. C. P., and Section 451, C. C. P., read with Section 7, Act III of 1884), or both Europeans and Americans (Section 451, C. C. P., read with Section 7, Act III, 1884), the Jurors shall be chosen as follows:—

*First.*—Not less than one-half of such jury shall be chosen by lot, in the manner prescribed by Rule I, from a box containing the names of only Europeans or Americans, or Europeans and Americans, until the necessary majority is complete.

*Second.*—To the names of Jurors not so chosen shall then be added the names of all the other Jurors summoned to attend, and the number necessary to complete the jury shall then be chosen by lot in the manner prescribed by Rule I.

III.—In cases in which not less than one-half of the jury must be neither Europeans nor Americans (Section 275, C. C. P.), the Jurors shall be chosen as follows:—

*First.*—Not less than one-half of such jury shall be chosen by lot in the manner prescribed by Rule I, from a box containing the names only of such persons as are neither Europeans nor Americans, until the necessary majority is complete.

*Second.*—To the names of jurors not so chosen shall then be added the names of all the other jurors summoned to attend, and the number necessary to complete the jury shall be chosen by lot in the manner prescribed by Rule I.

After clause (*a*) of Rule 21, Chapter I, page 16, *insert* the following :—

× (*b*) As soon as the dates of the Sessions fixed for each year are settled, a calendar showing these shall be printed and fixed in a conspicuous place in the Court and Office of every Magistrate. (*Rule No. 4 of 1st July 1901.*)

Re-number the present clause (*b*) of the same Rule at page 17 as clause (*c*). (*Rule No. 4 of 1st July 1901.*)

causing such bodily injury as was likely to cause death; or with the knowledge that it was likely to cause death, but without any intention to cause death, or to cause such bodily injury as was likely to cause death.[1] And in cases tried by jury, they should be careful to obtain a specific verdict on these points.

23. [RULE. *Form of Sessions Judge's Calendar—C. O. No. 5 of 14th October* 1879.]—After each Session the Judge shall submit to the High Court a statement in the following form, in which the case of every accused person awaiting trial at the commencement of the Session, or brought before the Court during the Session, shall be entered:—

SESSIONS STATEMENT (TO BE SUBMITTED AFTER EACH SESSION).

*Calendar of accused persons tried or brought before the Court of Session for the division of at the Sessions held in the month of* 18

| Serial number | Name of each accused person. | Age or supposed age. | Offences—nature of. | DATE OF— | | | | Verdict of jury or opinion of assessors. | Sentence passed. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Offence. | Apprehension. | Commitment | Sentence. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 | 11 |
| | | | | | | | | | | |

24. [*Instructions as to the filling up of the Sessions Judge's Calendar—C. O. No. 5 of 14th October* 1879.]—(*a*) Cases shall be entered in the order of trial, so as

[1] *Penalty*, imprisonment of either description for a term which may extend to 10 years, or fine, or both.

(*b*) The Magistrate of each district shall obtain from all the Subordinate Magistrates who exercise the power of committing to the Sessions, the particulars of all cases committed by them, and shall prepare and submit to the Sessions Judge two days before the commencement of each Session a calendar of all such cases in the following form. This calendar shall be the basis of the Sessions Judge's return to the High Court.

(*Form of District Magistrate's Calendar.*)

*Calendar of accused persons for trial before the Court of Session.*

*Session of* 18

| Number of case. | Committing officer. | Number and name of accused. | Charges and under what law. | Date of offence. | Date of apprehension or appearance to summons. | Date of commitment | In jail or on bail. | Finding and Sentence or other order of the Court of Session as regards each prisoner. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

22. [*Section* 304 *I. P. C.*—RULE. *In Convictions under this Section, Sessions Judges to note why the Culpable Homicide did not amount to Murder—Rule No.* 3 *of* 10*th February* 1882.]—(*a*) Sessions Judges, in all cases in which they may convict of culpable homicide not amounting to murder, shall invariably mention, in their remarks on the trial, the circumstances under which the culpable homicide was held not to amount to "murder."

(*b*) Sessions Judges shall invariably record their opinion whether the act by which death was caused was done with the intention of causing death,[1] or of

[1] *Penalty*, transportation for life or imprisonment of either description for a term which may extend to 10 years and fine.

| Nature of Circular. | Year. | No. | Date. | Subject-matter. | Chapter. | Page. |
|---|---|---|---|---|---|---|
| C. O. | 1866 | 14 | 6th December | Processes on Police Officers ... ... | I | 3 |
| | 1867 | 9 | 7th August ... | Appeals to High Court... | I | 37 |
| Letter | ,, | 955 | 17th ,, ... | Insanity, acquittal for ... | I | 47 |
| C. O. | ,, | 11 | 2nd September | Accused and witnesses .. | I | 20 |
| ,, | 1868 | 1 | 10th January ... | Processes (on Medical Subordinates) ... | I | 3 |
| ,, | ,, | 5 | 28th May ... | Appeals to High Court.. | I | 38 |
| ,, | 1869 | 4 | 15th March ... | Advocates ... ... | I | 47 |
| ,, | ,, | 8 | 25th August .. | Appeals ... ... | I | 37 |
| ,, | ,, | 9 | 6th September | Sections 323, 325, Penal Code ... ... | I | 11 |
| ,, | ,, | 10 | 22nd ,, ... | Records (Medico-legal reports) ... ... | IV | 172 |
| ,, | 1870 | 6 | 23rd February | Warrants ... ... | I | 30 |
| ,, | ,, | 13 | 29th August ... | Mukhtars ... ... | I | 22 |
| ,, | ,, | 14 | 3rd December | Commitments ... ... | I | 21 |
| ,, | 1871 | 6 | 17th July ... | Military men ... ... | IV | 185 |
| ,, | ,, | 7 | 20th ,, ... | Police, investigations by | I | 7 |
| ,, | 1872 | 1 | 23rd January ... | Commitments, record of. | I | 8 |
| ,, | 1873 | 4 | 25th February | Complaints ... ... | I | 6 |
| ,, | ,, | 12 | 7th June ... | Oaths, &c. ... ... | I | 27 |
| C. M. | ,, | 7 | 30th July ... | Confessions ... ... | I | 6 |
| C. O. | ,, | 10 | 27th August ... | Warrants. ... ... | I | 30 |
| ,, | ,, | 12 | 28th November | Ditto ... ... | I | 30 |
| C. M. (Civil) | 1875 | 2 | 4th March ... | Heads of charge, &c. ... | I | 28 |
| C. O. | ,, | 15 | 16th December | Records ... ... | IV | 171 |
| ,, | 1876 | 1 | 28th February | Holidays ... ... | I | 2 |
| ,, | ,, | 4 | 13th March ... | Processes ... ... | I | 29 |
| ,, | ,, | 2 | 5th May ... | Death warrants ... ... | I | 31 |
| ,, | ,, | 4 | 16th December | Subordination of Magistrates ... ... | I | 43 |
| ,, | ,, | 5 | 19th ,, | Warrants, forms of ... | I | 32 |
| ,, | 1877 | 1 | 12th January ... | Records ... ... | IV | 172 |
| G. L. | ,, | 5 | 9th March ... | Registers, &c. ... ... | V | 240 |
| C. O. | ,, | 7 | 7th April ... | Imputation of prejudice | VII | 293 |
| ,, | ,, | 23 | 22nd December | Register of Court-fees | V | 191 |
| ,, | 1878 | 2 | 23rd March ... | References to High Court | | 21 |
| ,, | ,, | 24 | 24th June ... | Processes (on Military) .. | I | 4 |
| ,, | ,, | 6 | 29th ,, ... | Reformatories ... ... | Appx. | |
| ,, | ,, | 27 | 20th July ... | Prisoners, release of ... | I | 38 |
| ,, | ,, | 7 | 17th August ... | Attachment and sale of land ... ... | I | 4 |
| ,, | ,, | 8 | 22nd ,, | Witnesses (Jail officers) .. | I | 4 |
| ,, | ,, | 9 | 26th ,, | Separate charges ... | I | 11 |
| ,, | ,, | 10 | 3rd September | Register of Convictions .. | V | 190 |
| ,, | ,, | 11 | 1st November | Ditto ... | V | 191 |
| ,, | ,, | 32 | 20th ,, | Affidavits ... ... | II | 61 |
| ,, | ,, | 36 | 30th ,, | Books and Libraries ... | VII | 294 |
| ,, | 1879 | 13 | 2nd April ... | Process-fees, Bengal ... | II<br>VI | 52<br>291 |
| ,, | ,, | 20 | 30th ,, ... | Records ... ... | IV<br>V | 171<br>231-232<br>238<br>240<br>244<br>250 |
| ,, | ,, | 5 | 14th October ... | Returns and Statements | I | 8, 16, 18 |
| ,, | ,, | 35 | 17th November | Process-fees, Assam ... | II<br>VI | 52<br>291 |
| ,, | 1880 | 5 | 10th January ... | Holidays ... ... | I | 1 |
| ,, | ,, | 8 | 14th ,, ... | Stamps ... ... | I | 51 |
| G. L. | ,, | 3 | 4th February | Returns and Statements | V | 244 |

After Rule 23 of the same Chapter, page 18, *insert* the following:—

**23A.** [*Monthly Statement to be submitted by Sessions Judges—Rule No. 4 of 1st July 1901.*]—In addition to the Sessions Statement referred to in Rule 23, every Sessions Judge shall also send at the end of each month, a statement in the following form, showing separately each trial held, or pending.

*Statement showing the number of trials held and pending in the Sessions Court at——during the month of——19 .*

| Number of case. | Offence or offences charged. | Number of accused. | Number of witnesses examined. | | Number of days occupied in the trial. | Number of days the witnesses were detained. (*a*) | Date fixed for trial, if postponed. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | | | For the prosecution. | For the defence. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

(*a*) This should be calculated from the date of their first attendance at the Sessions Court.

*N.B.*—The date of commitment of any case postponed and the reason for the postponement should be noted in the column for Remarks. (*Rule No. 4 of 1st July 1901.*)

IV.—When the jurors have been finally selecte their names shall be entered on the fly-leaf prescribe for records of Sessions trials (page , Cr. R. and O. the "foreman" (Section 280, C. C. P.) being speciall designated as such.

### District Magistrates' Courts.

V.—The above rules, *mutatis mutandis*, shall appl to the selection of jurors in cases before District Magis trates, in which the accused is a European British sub ject, and claims to be tried by a mixed jury (Section 45 (*a*), C. Cr. P.). Such Jurors shall be selected from th persons summoned, under the provisions of Section 46 of the Code, to attend for the purposes of the trial.

## Sessions.

### Instructions as to fixing Sessions, and calendars and statements to be submitted in connexion therewith.

*Sessions Statements.*

21. RULE [*Instructions as to fixing Sessions—C. O. No. 5 of 14th October* 1879.]—(*a*) In the first week in Decem ber in each year the Sessions Judge shall fix the num ber of Sessions to be held during the year following, and the dates on which respectively they are to begin, the number varying with the estimated or average number of trials, and not being less than six or more than ten in each year, except in outlying districts, where ordinarily the number should not be less than four. The arrangements made are to be immediately reported to the High Court for approval, but may be carried out, unless the disapproval of the Court be communicated.

to enable the Judge's clerk to place each case in the statement at the conclusion of the trial. A separate index number shall be given to each trial and to each prisoner. The series of numbers shall be separate for each Sessions.

(*b*) Column 4 is meant to contain an abstract of the charge. Offences are to be stated as concisely as possible with the section of the Indian Penal Code or other law applicable. When a prisoner is charged with several offences, the heads of charge on which he has been convicted must be indicated by red underlining.

(*c*) Column 9 should contain a statement whether the accused was tried with a jury or with assessors, and the verdict or opinion, specifying whether such verdict or opinion was unanimous, or, if not, the particulars of such difference. Where the trial was not with a jury, the opinions of the assessors should be given concisely, so as to show the view of each. Any recommendation to mercy, or other special matter contained in the verdict of the jury, or opinion of the assessors, should also be stated in this column.

(*d*) In the column of remarks, Sessions Judges should state the ground of postponement when any trial is postponed—the period of any solitary confinement awarded to any prisoner—the fact, if it be so, that the sentence passed on any prisoner is in addition to any other sentence in a different case passed at the same Sessions, or one which is to take effect on the expiration of another sentence which the prisoner may be undergoing—the opinion of the Judge regarding the verdict delivered by the jury, stating whether it had his concurrence, and whether he thought that the evidence in the case warranted the particular finding, with the reasons for any difference of

opinion[1]—and the grounds on which any person punishable with death has been sentenced to any punishment other than death (section 374, Code of Criminal Procedure)—the reasons which have prompted a specially light, or specially severe, sentence in any particular case—and generally any matter necessary to enable the High Court to exercise the power of revision vested in it by Chapter XXXII of the Criminal Procedure Code.[2]

## Trials before Court of Session.

25. [*Chapter XXIII, Section* 287, *C. C. P.—Examinations of Accused Persons, Depositions, &c., how received in Evidence at a Sessions trial—C. O. No.* 11 *of 2nd September* 1867.]—(*a*) The "examination of the accused" which, by section 287 of the Code of Criminal Procedure, shall be tendered by the prosecution and read as evidence, should be put in *before the accused is called upon to enter on his defence.*

(*b*) So also should be the deposition of a Medical witness which "may be given in evidence" (section 509); and the deposition of a witness in a case in which it "may be given in evidence" under section 33 of the Evidence Act (if it is considered desirable on the part of the prosecution to put in such examination).

(*c*) Before examinations are received as evidence under any of these three sections, care must be taken to see that they are in proper form and duly attested, or otherwise strictly proved. And, under section 33 of the Evidence Act, I of 1872, the examination cannot be given as evidence unless it is proved that the witness,

[1] Such reasons need not be given in the case of trials held with the aid of assessors.

[2] All cases committed before the beginning of any Sessions should appear in the return for that Sessions (whether taken up or not).—(*H. C. 802 of 1883.*)

whose examination it is proposed to put in, is dead, or the Court is satisfied that for sufficient cause his attendance cannot be procured.

(*d*) Such examinations when so received are to be detached from the proceedings in the preliminary enquiry and *annexed* to the RECORD of the TRIAL.

(*e*) [*Depositions, &c., to be translated—C. O. No. 4 of 28th February* 1884]—In Sessions cases, every vernacular (1) document, (2) deposition, or (3) examination of an accused person, admitted in evidence at the trial, shall be translated into English; and a copy of such translation fairly written out shall be incorporated in the record. The translation of more than one document, deposition, or examination shall not be written on one sheet of paper. Provided that, when a vernacular document, the contents of which are not relevant, is used in evidence for a limited purpose, such as to prove a signature, or handwriting, or the nature of writing materials, or the like, it shall not be necessary to make an English translation of the contents of such document.[1]

26. [*Sections* 297 *and* 309, *C. C. P.—Remarks on Commitments—C. O. No.* 14 *of 3rd December* 1870.]—As a general rule, the communication to the officers concerned of any remarks which Sessions Judges may make on commitments made to them is neither necessary nor even very desirable, and should be made in cases the peculiar circumstances of which appear to render necessary the adoption of such a course, but need not invariably take place.

27. [*Section* 307, *C. C. P.—Instructions as to references to High Court when Sessions Judge disagrees with Jury—C. O. No.* 2 *of* 23*rd March* 1878.]—In cases in which the Sessions Judge has disagreed with the verdict of the Jury,

[1] Added by C. O. No 8 of the 18th April 1884.

the records with the Sessions Judge's letter of reference should be submitted without delay. It is open to the Government Pleader, and to the pleader for the accused, to make notes of the evidence as the case proceeds. If after the trial is concluded, copies of any part of the proceedings are required, they should be made, on application, in the High Court, after receipt of the record.

28. [*Sections* 309, *C. C. P.—Opinion of Assessors*[1] *how to be recorded—C. O. No.* 4 *of* 23*rd June* 1865.]—The record of the opinion of each Assessor should appear at the commencement of the judgment of the Sessions Judge. It is not, in the Court's opinion, sufficient that this record should contain a mere verdict of guilty or not guilty, or proven or not proven; what the Court require is not only the result arrived at by each Assessor sitting on a Sessions trial, but, if possible, the reasons by which each Assessor arrived at that result,—that is, the grounds of his opinion. While avoiding prolixity, a Sessions Judge should be careful to be intelligible and precise in recording such opinions.

### General provision as to enquiries and trials.

29. [*Section* 340, *C. C. P.—Employment of Mukhtars and other persons to assist Accused Persons in their Defence—C. O. No.* 13 *of* 29*th August* 1870.]—Magistrates should not, by the indiscriminate exclusion of persons who are invested by law with a distinct professional status in criminal trials, deprive parties of legal aid which they can frequently obtain at a moderate cost.

[1] A copy of the opinions of the assessors recorded under section 309 C. C. P., should in all cases, in which a copy of the judgment is supplied for the purposes of appeal, accompany the judgment—(*G. L. No.* 5 *of* 24*th July* 1890).

## Mode of recording evidence.

30. [*Chapter XXV, C. C. P.—Evidence to be recorded legibly—C. O. No. 2 of 13th August* 1862.]—(*a*) Difficulty having been frequently experienced in reading the evidence of witnesses, the attention of all Criminal Officers is called to the necessity of carefully writing such evidence in a legible manner. Depositions should be written on one side of the paper only, a margin of one-fourth of the sheet being left blank.[1]

(*b*) In the case of trials forwarded to the High Court in which, from any cause, the evidence has been indistinctly or illegibly recorded, *copies* of such evidence should be submitted with the record of the case.

31. [RULES *for Examination of Complainants and Witnesses—C. O. No.* 6 *of* 16*th May* 1864 ]—As regards the examination of complainants, witnesses, or persons accused of the commission of any offence under enquiry or trial before a Criminal Court, the following Rules should be strictly observed in every case by Magistrates and Sessions Judges:—

(*a*) Every witness shall be examined *vivâ voce* in open Court.

(*b*) A Magistrate or Judge shall not be engaged in any other business whilst the examination of a witness is going on, or whilst any documentary evidence is being read.

(*c*) If, after the examination of a witness has commenced, the Magistrate or Judge is compelled to attend to any other business, the examination of the witness shall be suspended as long as such other business is being attended to.

(*d*) The examination of a witness shall not be interrupted for the purpose of enabling the Magistrate or

[1] The last paragraph was added by C. O. No. 9, dated 23rd April 1884.

Judge to attend to other business, unless such business is of an urgent nature.

(*e*) It shall be the duty of every Appellate Court subordinate to the High Court to examine the Memorandum of the evidence made by the Subordinate Court, and to report to the High Court cases in which it shall appear that the above Rules have not been strictly and properly attended to.

(*f*) The evidence of every witness shall invariably be recorded in the presence of the Officer who may decide the case, except in the cases provided for by sections 349 and 350 of the Code of Criminal Procedure, in which the re-calling and re examination of the witnesses is optional with the superior Magistrates. No more than one deposition should be written on each sheet of paper.[1]

(*g*) After the examination of witnesses has commenced, the trial or preliminary enquiry under Chapter XVIII of the Code of Criminal Procedure should be proceeded with until all the witnesses in attendance have been examined, those for the prosecution being first examined; and if any witness be detained for a longer period than two days, the Magistrate should record a Memorandum stating the reasons of such detention.

(*h*) When it is deemed necessary to adjourn the hearing of a case, the adjournment shall be for as short a time as possible, and no person accused of any offence shall be remanded to custody for any period exceeding fifteen days (section 344, C. C. P.).

(*i*) Every Sessions Judge and Magistrate shall sit daily and punctually at the hour appointed for the opening of his Court, unless prevented by circumstances which are to be recorded in the proceedings of the Court.

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[1] And only on one side of the paper (C. O. No 9 of 23rd April 1884.)

32. [*Witnesses not to be kept waiting—C. O. No.* 12 *of* 27*th November* 1865.]—(*a*) The evidence of witnesses should invariably be recorded as soon as possible after their attendance. If from unavoidable causes an adjournment is indispensable, there should be no unnecessary delay. Witnesses remaining over from one day should, as a rule, be examined at the first sitting of the Court on the following day. By this means the public will be put to no inconvenience, and justice will be administered in a prompt and satisfactory manner.

(*b*) Chief Magistrates of districts should carefully supervise the returns of their subordinates, as they will be held responsible for the correction of irregularities, the prompt discharge of witnesses, and the early completion of all trials.

33. [RULE. *Particulars to be recorded for the Identification of Witnesses—C. O. No.* 19 *of* 17*th September* 1864.]—All Magisterial Officers shall, in the examination of prosecutors, witnesses, and prisoners, record in each deposition, statement, or defence the following particulars, which are indispensably necessary for the future identification of the parties examined, *viz*, the name of the person examined, the name of his or her father, and if a married woman, the name of her husband, the religion, caste, profession, and age of the party or witness, and the Village and Pergunnah in which he or she resides.

34. [RULES *as to recording Evidence of Witnesses where the meaning is doubtful*[1]*—C. O. No.* 9 *of* 20*th August* 1865.]—(*a*) In depositions in which there may be any doubt as to the exact meaning of any expression used, and in which the doubtful expression

[1] See also C. O. No. 4 of 30th March 1864 at page 11.

has an important bearing on the offence with which the prisoner is charged, the Court would suggest the expediency of transcribing, in Roman characters, the words actually used, in order that the Court may be in a position, on the matter coming before it, without fear of error, to determine on their exact signification, and, in consequence, to give them their due and proper weight.

(*b*) Should any instance occur in which a foreign language is used, or in which the evidence may be delivered in a dialect to which a Judge may be unaccustomed, an Interpreter should be employed (see section 543 of the Code of Criminal Procedure, and section 5 of Act X of 1873).

35. [RULES. *Particulars for the Identification of Prisoners—C. O. No.* 135 *of* 22*nd February* 1833.]—Attention must be paid to correctness and uniformity in the manner of spelling the names of prisoners in the record of evidence. This is a point of great importance, and should meet with particular attention. Where several prisoners bearing the same or similar names are included in one trial, care should be taken, in recording the evidence given by each witness, to specify the name of the father of the person charged, whenever the name of any one of them is mentioned. Very serious inconvenience has resulted from the neglect of this precaution.

## Dying Depositions.

36. [*Dying Depositions—C. O. No.* 47 *of* 31*st July* 1857.]—When any person whose evidence is essential to the conviction of a prisoner charged with the commission of a crime, may be in imminent danger of dying before the case comes to trial, the deposition of the dying person should, if possible, be recorded in the presence

of the accused or of attesting witnesses,[1] and in the event of his death submitted at the trial with evidence of this fact.

## Oaths Act, X of 1873.

37. [*Forms of Oaths, &c., for Witnesses, Interpreters, and Jurors—C. O. No.* 12 *of 7th June* 1873.]—(*a*) The following forms of oaths and affirmations are prescribed by the High Court of Judicature at Fort William in Bengal under section 7, Act X of 1873.

(*b*) The same forms shall be used in Criminal as in Civil cases.

(*c*) Christian witnesses, interpreters, and jurors, to whom oaths are administered, are to be sworn upon the New Testament.

(*d*) In other cases the oaths are to be administered upon such symbol, or accompanied by such act as may be usual, or as such witness, interpreter, or juror may acknowledge to be binding on his conscience.

FOR WITNESSES.

*Oath.*

I swear that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

*Affirmation.*

I solemnly declare that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

---

[1] The dying statement of a deceased person must have been taken in the presence of the accused; if not so taken, the writing cannot be admitted to prove the statement made. The statement may be proved in the ordinary way by a person who heard it, and the writing may be used for the purpose of refreshing the memory of the witness who recorded the statement—(*Emp. v. Samiruddin, I. L. R.*, 8 *Cal*, 211.)

FOR INTERPRETERS.

*Oath.*

I swear that I will well and truly interpret, translate, and explain all questions and answers, and all such matters as the Court may require me to interpret, translate, and explain.

So help me God.

*Affirmation.*

I solemnly declare that I will well and truly interpret, translate, and explain all questions and answers, and all such matters as the Court may require me to interpret, translate, or explain.

FOR JURORS.

*Oath.*

I swear that I will justly and truly try and determine the questions submitted to the Jury in this case, and will give a true verdict according to the evidence.

So help me God.

*Affirmation.*

I solemnly declare that I will justly and truly try and determine the questions submitted to the Jury in this case, and will give a true verdict according to the evidence.

## Judgment.

38. [*Chapter XXVI, Section* 367, *C. C P.—Charge to the Jury need not be written before being delivered—C. M. No.* 2 *of* 4*th March* 1875.]—(*a*) It is not necessary that the direction to the Jury should be reduced to writing before delivery; but it is essential that the "heads of the charge" (Section 367) placed upon the record should represent with absolute accuracy the substance of the charge, and be such as to enable the High Court, in the event of an appeal, to see distinctly whether the case was fairly and properly placed before the Jury.

(*b*) [*C. O. No.* 5 *of* 21*st September* 1880.]—Sessions Judges should, in order to assist the enquiries of the District Magistrates regarding the cause of an acquittal

After Rule 38, Clause (*b*), Chapter I, page 29, *insert* the following:—

(*c*). [*C. O. No. 3 of 18th March, 1892.*]—Judgments should be written legibly and on one side of the paper only, a margin of one-fourth of each sheet being left blank.

*Cancel* the second paragraph of clause (*d*) of Rule 39, Chapter I, at page 29 and *insert* the same thus after Rule 38, clause (*c*), on the same page :—

(*d*) [*Rule No. 3 of 6th February, 1891.*]—Whenever an enhanced sentence is passed on conviction on a charge within the terms of section 75 of the Indian Penal Code, the Sessions Judge or Magistrate shall state in his judgment the date of each previous conviction and the sentence passed, as well as the particular offence charged,

in the Sessions Court, set forth clearly in the judgment what, in their opinion, has led to that result.

## Execution.

39. [*Chapter XXVIII, C. C. P.—Form of process, sentence, and order—C. O. No.* 4 *of* 13*th March* 1876.]—(*a*) In every sentence or order made by a Criminal Court, the jurisdiction of the Judge or Magistrate making it should distinctly appear on the face thereof.[1]

(*b*) In every process and every sentence or order (of whatever description) issued by a Judicial Officer, for whatever purpose it may be issued or made, the name of the District and of the Court from which the same is issued, and also the name and powers of the Officer issuing or making it, shall be clearly set out in such manner that it may be easily read.

(*c*) Judicial Officers shall in all cases take care to sign their names distinctly and legibly.

(*d*) [*C. O. No.* 8 *of* 18*th August* 1882.]—Judicial Officers are reminded that, in the case of all documents which are required by law to be *signed*, the impression of a stamp bearing the officer's name is insufficient and illegal.

[*Rule No.* 3 *of* 6*th February* 1891.] Whenever an enhanced sentence is passed on conviction of a charge within the terms of section 75 of the Indian Penal Code, the Sessions Judge or Magistrate shall state in his judgment the date of each previous conviction and the sentence passed, as well as the particular offence charged.

40. [RULE. *Particulars of Convict's abode to be given in warrants—G. L. No.* 3 *of* 14*th August* 1883.]—When filling in all warrants of commitment under the Code of Criminal Procedure (Act X of 1882), Judicial Officers

[1] When the law empowers Magistrates of a particular grade to do a particular act or make a certain order, it should always appear on the proceedings that the Magistrate making the order or doing the act is a Magistrate who had jurisdiction to do it—(22 *W. R., Cr. R.*, 30).

should note not only the Village, Pergunnah, and District, but also the Police Station in the jurisdiction of which the convict resides.

41. [*Chapter XXVIII, C. C. P.*—RULES. *General Instructions regarding Warrants.*]—(*a*) [*C. O. No.* 6 *of* 23*rd February* 1870.]—A separate warrant should be issued in the case of each prisoner.

(*b*) [*C. O. No.* 10 *of* 27*th August* 1873.]—Warrants of imprisonment directed to Superintendents of District Jails should be in the English language, and warrants directed to the keepers of Subdivisional lock-ups should issue in the vernacular, except where the sentence is for imprisonment of a longer term than 15 days, in which case the warrants issued by Subdivisional authorities should, if possible, be in English.

(*c*) [*C. O. No.* 12 *of* 28*th November* 1873.]—In all cases where the accused is a soldier or person holding any rank in the army, the warrant for detention or imprisonment shall set forth accurately the rank of the prisoner and the Regiment or Military Department to which he belongs.

(*d*) [*C. O. No.* 1 *of* 9*th February* 1880.]—The warrant to be sent to the officer in charge of the Jail under Section 385 shall set out in full the sentence passed. So far as the sentence is for imprisonment, the Jailor shall give effect to it according to the terms of the warrant. Such portion of the sentence as directs imprisonment in default of payment of fine shall be carried into effect by the Jailor subject to the provisions of Sections 68 and 69 of the Penal Code. It is not the duty of the Jailor to levy a fine, nor can he be required to receive it. The levy of a fine imposed by a Sessions Judge by distress and sale of the property of the accused is to be made under a special warrant issued for

that purpose only under Section 386, and not under a duplicate of the warrant sent to the Jailor under Section 385.

(*e*) [*Certain information to be attached to all Warrants of Commitment—Rule No. 7 of the 15th June* 1881.]—Every Magistrate, when committing a prisoner to Jail, shall attach to the warrant of commitment a note in the following form. When the prisoner is sentenced by a Court superior to that of a Magistrate, the District Magistrate must arrange that this note be made by a competent officer, and be attached to the warrant.

*Form*[1] *to be attached to all Warrants of Commitment.*

| Address | Character. | Previous occupation. | Circumstances under which convicted | Whether sentence appealable or not. | Other charges pending against prisoner, with law and section | Special classification under the rules of the Jail Code[2] | FORMER CONVICTIONS. | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Date. | By whom convicted | Offence (law and section) | Sentence. |
| | | | | | | | | | | |

[1] Procurable from the Superintendent of Stationery. This form should be in the same language as the warrant to which it is attached.—(*H. C.* 1830, 1881).

[2] Added by Rule 2 of 2nd April 1887

## *Death-Warrants.*

42. [*Chapter XXVIII, C. C. P.*—RULE. *Death-Warrants when to be executed—C. O. No. 2 of 5th May* 1876.]—The date named by the Sessions Court, in its warrant for the execution of a sentence of death, shall not be less than fourteen, nor more than twenty-one, days from the date of the issue of such warrant.

*Transportation for a Term and Imprisonment.*

43. [*Form of Sentence—C. O. No.* 9 *of* 3*rd August* 1866.]—The attention of Sessions Courts is directed to the terms of Section 59 of Act XLV of 1860. The correct mode of proceeding is to sentence the offender to transportation, mentioning at the same time that, under Section 59 of the Indian Penal Code, such transportation is awarded instead of imprisonment, simple or rigorous, as the case may be.

44. [*Chapter XXVIII, C. C. P.—Calculation of term of sentence altered on Appeal by High Court—C. O. No.* 5 *of* 19*th December* 1876.]—Where the High Court simply modifies a sentence passed by a Sessions Judge without change of Section, and where the High Court passes a new sentence by changing the conviction Section or the punishment Section, or otherwise, the sentence finally passed shall count, unless specially otherwise directed, from the first day of imprisonment under the original sentence.

45. [*Chapter XXVIII, C. C. P.—Calculation of the date of the second of two sentences, the first having been remitted on Appeal—C. O. No. I of the* 9*th January* 1882].—When a prisoner has been committed to Jail under two separate warrants, the sentence in the one to take effect from the expiry of the sentence in the other, the date of such second sentence shall, in the event of the first sentence being remitted on appeal, be presumed to take effect from the date on which he was committed to Jail under the first or original sentence.

*Fines.*

46. [*Chapter XXVIII, C. C. P.—Procedure for the levy of Fines—C. O. No.* 8 *of* 22*nd June* 1864.]—A warrant issued under Section 386, C C. P., for the levy of a fine should ordinarily be directed to a Police Officer (see Form

Insert the following as Rule 46 A, Chapter I, page 33:—

*Disposal of counterfeit coin.*

46A. [*Chapter XLIII, C. C. P.—Instructions regarding the disposal of counterfeit coin—G. L. Nos. 5 and 6 of 29th July 1899.*]—(*a*) Criminal Courts in making orders under section 517 or 523, 524 of the Code of Criminal Procedure for the disposal of counterfeit coin, should consider whether the coin should not be forwarded to the nearest Treasury or Sub-Treasury Officer with directions to him to deal with it in a manner similar to that prescribed by Rule 1[1] of the Rules issued by the Government of India, in the Department of Finance and Commerce.

(*b*) [*G. L. No. 4 of 22nd May 1901.*]—The above instructions should be held to apply also to any implements such as dies, moulds, etc., used in coining. When in any case, such coins, or implements are forwarded to a Treasury Officer, a copy of the judgment delivered in the case with which they are connected should, at the same time, be forwarded to that officer.

[1] "When it can be done with the consent of the tenderer, counterfeit coins tendered to Treasury Officers and others authorized to cut or break them under the provisions of section 16 of Act XXIII of 1870 should be sent to the Mint at Calcutta or Bombay. If the tenderer, however, does not consent to the counterfeit coin being sent to the Mint, unless the broken pieces are afterwards returned to him, the coin should not be sent at all. It is, however, open to a Government Officer, to whom such a coin is tendered in cases in which the tenderer is otherwise unwilling to part with it, to purchase it from him at a suitable price, not in any case exceeding its nominal value, charging its cost to Government. This course should only be followed when from the excellence of the execution, or for any other special cause, it seems desirable that the coin should be acquired as a specimen, and the officer purchasing the same should, when forwarding it to the Mint, state at the same time the grounds upon which its purchase was considered desirable.

No. XXXVII, Schedule V, C. C. P.); and the authority issuing it should set a time for the sale and for the return of the warrant. If no one claims the property distrained, the Police have the power of selling it within the time specified in the warrant, without any previous reference to the Magistrate; if a claimant come forward, then the ownership of the property distrained must be determined by the Magistrate, and not by the Police. If at any time subsequent to the return of the warrant, and within the period of six years from the passing of the sentence, the fine or any part thereof remains unpaid (Section 70 of Penal Code), and the Magistrate has, from information gained in any way, reason to think that any movable property belonging to the offender is within his jurisdiction, he should issue a fresh warrant for the attachment and sale of such property. Such warrant should be made returnable within a certain time.

*Whipping.*

47. [*Whipping Act, VI of* 1864.—*General Instructions—C. O. No. 2 of 8th April* 1864.]—(*a*) Section 1 directs that, in addition to the punishments described in Section 53 of the Penal Code, offenders are also liable to whipping under the provisions of the said Code, and it has been declared under the authority vested in the Lieutenant-Governor by Section 392, Act X of 1882, that this punishment "shall, in the case of an adult," be inflicted on the breech with (as prescribed by Section 392, Act X of 1882) a light rattan[1] not exceeding half an inch in diameter. The Government further enjoins that "on all occasions precautions should be taken to prevent the blows from falling on any other part of the person."

[1] Circular of the Government of Bengal to all Commissioners, No. 1329, dated 29th February 1864.

(*b*) Particular care should be taken in marking the distinction between Sections 2, 3, 4. By Section 2 it is enacted that for certain specified offences[1] whipping may be administered *in lieu* of any punishment to which the convict may, for any of those offences, be liable under the Indian Penal Code; whereas by Section 3 it is enacted that if he has been previously convicted under the Penal Code of any of those offences, and shall again be convicted of the *same* offence, he may be punished with whipping *in lieu of*, or *in addition to*, any other punishment to which he may for such offence be liable under that Code.

(*c*) By Section 4, however, it is enacted that, whoever having been *previously* convicted of any of the offences specified in this Section of the Act shall be *again* convicted of the *same* offence, may be punished with whipping *in addition* to any other punishment to which he may be liable under the Indian Penal Code.

(*d*) The punishment of whipping under Section 2 can be imposed only on conviction of any of the offences therein specified, if the offence have been committed subsequently to the 18th February 1864, the date on which Act VI of 1864 became law.

(*e*) It should be remarked that under Sections 3 and 4, both the convictions must be for the *same* offence, which must be one of the offences specified in Sections 2 and 4 respectively, in order to render the offender liable to whipping in lieu of, or in addition to, any other punishment, and that under Section 4, the punishment of whipping *cannot* be inflicted in lieu of any other punishment, but may be inflicted only in *addition* to such punishment. Sessions Judges and Magistrates should bear in mind that, under Section 393, Act X of 1882.

[1] To which may be added offences under Section 14, Act III of 1880.

person who may be sentenced to death or to transportation, or to penal servitude, or to imprisonment *for more than five years*, and no person whom the Court considers to be more than 45 years of age, and no female, can be punished with whipping.

(*f*) Section 5 provides for the whipping of juvenile offenders[1] convicted of any offence which is not punishable by the Indian Penal Code with death. It should be observed that the punishment of whipping must in such case be administered only *in lieu* of any other punishment; that it may be inflicted for a first or any other offence, but that, as remarked in paragraph (*d*) with reference to offences falling under Section 2, the offence must have been committed subsequently to the 18th February 1864, the date of the passing of Act VI of 1864. The whipping of juveniles, as is by Section 392 of Act X of 1882 declared, shall be "inflicted in the way of school discipline with a light rattan."

(*g*) Section 6 provides for exceptional cases not of general application.

(*h*) It has been already pointed out that a rattan not exceeding half an inch in diameter shall be employed in the whipping of adults and that the punishment shall be inflicted on the breech. It therefore only remains to remark that the maximum of punishment is 30 stripes, and that the Lieutenant-Governor of Bengal has ordered that, where whipping is the sole punishment awarded, officers should make arrangements for having it carried out at once at the Magistrate's office in communication with the Civil Surgeon or Native Doctor of the Station.[2]

[1] *i.e.*, offenders under 16 years of age (Section 392, Act X of 1882).

[2] Circular, 21st January 1876

(*i*) All officers are reminded that the Governor-General in Council considers that the precaution of having a Medical Officer present at the time of the infliction of the punishment should be observed in every instance when practicable.

(*j*) Particular attention should be directed to Section 394, C. C. P, which prohibits the execution of a sentence of whipping when the offender is not in a fit state of health to undergo that punishment, and to Section 393, which prohibits the infliction of whipping by instalments.

(*k*) The Court expect that great care and proper moderation will be exhibited by all Officers in exercising the powers vested in them by Act VI of 1864, and that, after this full explanation of its provisions, no irregularities will occur in carrying them into practice.[1]

48. [*Chapter XXVIII, C. C. P.—Return of Warrants—C. Q. No.* 34 *of* 19*th June* 1804].—In the case of a sentence, both for corporal punishment and imprisonment, the execution of the former part of the sentence should be endorsed on the warrant at the time of inflicting the punishment; but as the warrant in this case cannot be considered to be completely executed until the prisoner has undergone the sentence of imprisonment passed upon him, the Officer in charge of the Jail should retain the warrant until the expiration of the term of imprisonment, or, if the prisoner dies during the course of such term, return it with an endorsement to this effect.

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[1] An appeal lies against sentences of whipping passed by Magistrates of the second class, but if awarded in lieu of any other punishment, the sentence should be carried into execution without delay. The effect of the appeal will be to ascertain the correctness of a sentence already carried out, and not to bring under review the sentence itself with a view to its revision —(*Cal. H. C.*, 314, 1864).

## 2.

2. *Insert* the following as a note to clause (*a*) of Rule 49, Chapter I, page 37:—

NOTE.—Sessions Judges need not send the records of such cases to the High Court until they are requested to do so upon the admission of the appeal.—(*G. L. No. 1 of 4th January 1901.*)

## Appeals.

49. [*Section* 420, *C. C. P.—Petitions of Appeal to be sent direct to High Court—C. O. No.* 9 *of* 7*th August* 1867.] —(*a*) Petitions[1] of appeal against the sentences or orders of Sessions Judges, presented to officers in charge of jails, shall be forwarded by such officers direct to the Registrar of the High Court of Judiciature, intimation of the fact being at once given in each instance, and in the following form, to the Judge whose sentence or order is appealed against:—

To

THE SESSIONS JUDGE OF

The undersigned begs to report for the information of the Sessions Judge that an appeal by the prisoner

against the Judge's sentence or order, dated

and noted at foot, has this day been presented to the officer in charge of the Jail, and has been forwarded to the High Court, as required by section 420 of the Code of Criminal Procedure.

*Officer in charge of the Jail.*

(*b*) [*Exception—Certain Petitions not to be sent to the High Court—C. O. No.* 8 *of* 25*th August* 1869.]—Petitions of appeal from prisoners should not be forwarded to the High Court in cases in which sentences or orders have already been passed by an Appellate Court on appeal (as, for example, by a Court of Session on an appeal from a conviction before the Magistrate of the District or other officer exercising the powers of a Magistrate of the

[1] In the case of trials held with the aid of Assessors, the opinions of the Assessors, recorded under section 309 of the Code of Criminal Procedure, should, in all cases in which a copy of the judgment is supplied for purposes of appeal, accompany the judgment—(*G. L. No* 5, *dated* 24*th July* 1890).

1st class, such sentences or orders being final under the Code of Criminal Procedure.)

50. [*Section* 420, *C. C. P.—Records of Appealed Cases when to be forwarded—C. O. No.* 5 *of* 28*th May* 1868.]—As a general rule, in cases in which an appeal lies to the High Court from the sentence or order of a Sessions Judge, the record shall be forwarded to the High Court by the Sessions Judge immediately on receipt of the notice of appeal directed to be forwarded to him by the officer in charge of the Jail.

51. [*Chapter XXXI, C. C. P.—Release-orders not to be telegraphed to Jails—C. O. No.* 27 *of* 20*th July* 1878.]—Judicial Officers are prohibited from sending by telegraph orders to officers in charge of jails for the release of prisoners in their custody.

52. [*Chapter XXXI, Section* 423, *C C. P.*—RULES[1] *for the issue and communication of orders passed by Appellate Courts—Rule No.* 2 *of* 19*th September* 1888.]—

(1) When an appeal has been disposed of, a copy of the judgment in appeal and of the order passed shall be attached to the record of the original Court and returned to it therewith.

(2) In every case in which a sentence is reversed, the Appellate Court shall fill in the form of warrant of release on appeal prescribed[2] by the High Court and shall send the same direct to the officer in charge of the jail in which the appellant is confined. It shall at the same time recall and cancel the original warrant of commitment, and this warrant and the warrant of the Appellate Court directing release of the prisoner, when

[1] Published in the *Calcutta Gazette* of the 29th August 1888, Part I pages 768 and 796, and in the *Assam Gazette* of the 15th September 1888, Part III, pages 375 and 376.

[2] See Appendix A. Form No. 48 page lxxv.

1.

1. *Cancel* Rule 50, Chapter I, page 38. (*Rule No. 1 of 4th January 1901.*)

After Rule 51, Chapter I, at page 38, *insert* the following:—

51A. [*Chapter XXXI, C. P. C.—Release-orders not to be despatched after sunset—G. L. No. 4 of 9th March, 1894, Civil.*]—As Rule 474 of the Jail Code prohibits the release of prisoners after lock-up, warrants for release should not be despatched by a Court after sunset, or, if so despatched, should be endorsed with instructions for release as early as possible next morning.

returned with an endorsement of execution, shall be attached to the record of the original Court and returned to it therewith.

In every case in which a sentence is modified on appeal the Appellate Court shall prepare a fresh warrant[1] (in the form prescribed in the following Rule) in accordance with the terms of the order passed, and shall send the same direct to the officer in charge of the jail in which the appellant is confined, and shall recall and cancel the original warrant of commitment, which shall be attached to the record of the original Court and returned to it therewith. When the fresh warrant is returned with an endorsement of execution under section 400, Criminal Procedure Code, the Appellate Court shall forward it to the Court, from the decision of which the appeal was preferred, to be attached to the original record.

In every case in which a sentence is confirmed on appeal, the Jail authorities will receive information to this effect by means of the form prescribed in the next succeeding clause.

(3) Irrespective of the procedure prescribed above, the Appellate Court shall, for the information of the appellant, notify to the officer in charge of the jail in which such appellant is confined the result of his appeal. The notification shall be made in the form annexed to this Rule.

Judicial officers must understand that this notice is intended solely for the communication of the result of the appeal to the appellant, and in no way relieves them

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[1] For the language of such warrant criminal officers will be guided by Rule 41, Cl. *b*, Chapter I.

from the duty of issuing revised warrants, when such are necessary :—

*List of Criminal Appeals heard by the* $\frac{\textit{Magistrate}}{\textit{Sessions Judge}}$ *of*

*on* 18

| Name and father's name of the prisoner. | Offence and date of conviction and sentence. | Magistrate against whose order the appeal is preferred. | Order passed in appeal. | REMARKS. |
|---|---|---|---|---|
| | | | | |

For the language of this form, see Rule 52 Cl. 2 supra.

In appeals from orders of Sessions Judges the latter (and not the District Magistrate) should communicate the result to the appellant, through the Jail officer, on this form.

MEMO.

Forwarded to the officer in charge of the jail for communication to the appellants.

COURT OF

*The* 18 } *Sessions Judge or Magistrate.*

*Proviso* 1[1]. Provided that where an accused has been admitted to bail pending the hearing of his appeal, the original warrant of commitment shall, after being returned by the Jail authorities to the Court which issued it, be forwarded to the Appellate Court—

(1) In every case in which a sentence is reversed on appeal, the Appellate Court shall return the original wararnt with a copy of its order to the Court by which the accused was admitted to bail, with directions to discharge him.

[1]Amended by Rule No. 3 of the 17th October 1889.

(2) In every case in which a sentence is modified on appeal, the Appellate Court shall prepare a fresh warrant (in the form prescribed in the following rule) and shall forward the same, with the original warrant and with a copy of its order, to the Court by which the accused was admitted to bail, with directions to take measures to secure his surrender and commitment to jail on the modified warrant.

(3) In every case in which a sentence is confirmed on appeal, the Appellate Court shall return the original warrant with a copy of its order to the Court by which the accused was admitted to bail, with directions to take measures to secure his surrender and re-commitment to jail on the original warrant.

In each of the last above-mentioned cases it shall be the duty of the Court to which the accused surrenders to his bail to endorse on the warrant the dates of his release on bail and of his subsequent surrender.

*Proviso* 2. Provided also that where an accused surrenders to his bail in the Appellate Court, such Court, in every case in which the sentence is reversed on appeal, shall discharge him: and in every case in which the sentence is modified or confirmed on appeal, such Court shall forward the accused in charge of a police officer with the modified or the original warrant to the District Magistrate[1] with directions to commit him to custody as in cases 2 and 3 of Proviso 1.

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[1] NOTE.—Wherever a Sessions Division consists of more districts than one, the District Magistrate in this proviso shall be held to be the Magistrate of the District in which the Sessions Court is sitting for the hearing of appeals.—(*H. C. No.* 826, *dated* 14*th March* 1890, *to the Bengal Government.*)

53. RULE. The following form of warrant is prescribed for use by an Appellate Court when a sentence is modified or altered on appeal:—

[*Section* 423, *C. C. P.—Form of Warrant for use by an Appellate Court when a sentence is modified on appeal—Rule No.* 2, *dated the* 19*th September* 1888.]

IN THE COURT OF THE _____ AT _____.

*To the Officer in charge of the Jail* _____

*at* _____

WHEREAS _____, son of _____ of village _____, pergunnah _____, police station _____ in the district of _____, was convicted by _____, Magistrate of _____, of the offence of _____ and was sentenced on the _____ day of _____ 18 to _____ which conviction and sentence have been modified on appeal by this Court, and in lieu thereof the said _____ has been convicted of the offence of _____ and sentenced on the _____ day of _____ 18 to _____

This is to authorise and require you the said Superintendent to receive the said _____ into your custody in the said jail, together with this warrant, and carry the aforesaid sentence into execution according to law; and this is further to authorise and require you to return to this Court the original warrant of commitment in lieu whereof this warrant is issued.

Given under my hand and the seal of the Court this _____ day of _____ 18

*Sessions Judge or Magistrate.*

NOTE.—These rules (52 and 53) do not apply to the issue or communication of the orders of the High Court, except in so far as they may regulate the course to be taken by the Court, to which the judgment of the High Court may have been certified, for the purpose of giving effect thereto. The procedure applicable to the High Court is provided in section 425 of the Code of Criminal Procedure.

Therefore, except when the High Court shall otherwise direct, it remains the duty of the Lower Court to issue the warrant of release or modification of sentence.

Should it appear desirable as likely to ensure the more speedy release of a prisoner whose place of confinement is more accessible from Calcutta, the High Court would probably itself issue the warrant of release. In such a case, information to that effect would be given to the Lower Court.—(*General Letter No.* 1 *of 7th February* 1889).

## Reference and Revision.

54. [*Section* 435, *C. C. P.—Subordination of District Magistrate to the Sessions Judge—C. O. No.* 4 *of* 16*th December* 1876.]—(*a*) The Magistrate of a District must be deemed in respect of his judicial functions, and in this respect only, to be subordinate to the Sessions Judge.

(*b*) Sessions Judges are to be guided by, but not to go beyond, the following instructions in communications with Magistrates :—

District Magistrates are to comply with all requisitions for records, returns, and information made by Sessions Judges with regard to any case appealable to them or referable by them to the High Court, whether decided by the District Magistrate or by the other Magisterial Officers of the District, or made by Sessions Judges under the orders of the High Court in the exercise of their duty of superintendence over Subordinate Courts. District Magistrates are also to render any explanation which Sessions Judges may require from them, and to obtain and submit any explanation which Sessions Judges may require from Subordinate Magistrates, in order to assist the Appellate Courts in respect of the three classes of cases above referred to.[1]

[1] The spirit and intention of these orders is that Magistrates should render Session Judges all assistance for the right disposal of judicial cases and work—(*Bengal Government No.* 1015 *J.D. of* 16*th October* 1882.)

55. [*Section* 438, *C. C. P.—Reports in what form to be made—C. O. No.* 18 *of* 15*th July* 1863.]—(*a*) Reports under section 438 of Act X of 1882, shall always be accompanied by the records of the case to which they relate and by an English letter commencing "Under section 438, Act X of 1882, I herewith transmit the record of the case noted in the margin, to be laid before the High Court, with the following report." There will then be stated—

1*st.*—A brief analysis of the case.

2*nd.*—The order recommended for revision.

3*rd.*—In what particular portion of that order the Court making the reference considers an error on a point of law to exist.

4*th.*—The grounds upon which, in the opinion of such Court, the order should be reversed.

(*b*) Unless there be any particular reason why delay should be avoided, the explanation of the Magistrate who passed the order should be called for and accompany the report.

## Criminal Proceedings against European British Subjects.

56. [*Chapter XXXIII, C. C. P.—Instructions as to European British Subjects committed to the High Court—C. O. No.* 5 *of* 6*th May* 1864.]—(*a*) Magistrates making commitments to the High Court in its Original Criminal Jurisdiction should promptly send the records of cases to the Clerk of the Crown, and not delay doing so until the commencement of the Sessions at which the cases are to be tried. The practice of so delaying causes great inconvenience to all concerned, and deprives the Judge generally of the opportunity, which he ought to

*Insert* the following as clause (*c*) of Rule 55, Chapter I, at page 44 :—

(*c*) A Sessions Judge, on making a report to the High Court under section 438, Criminal Procedure Code, shall at the same time forward a copy of his report to the District Magistrate.—(*C. O. No. 2 of 3rd June 1902.*)

have, of looking over the depositions of the witnesses before the case goes to trial.

(*b*) A copy of the warrant of commitment should always form part of the record sent to the Clerk of the Crown.

(*c*) All witnesses should be bound, in the usual form, to attend at the Court House on a day specified, which should be the *first day of the Sessions* for which the prisoner is committed; and this should be the next Sessions after the commitment, if there is a sufficient interval of time between the commitment and the next Sessions; and if not, then the next following Sessions. Much inconvenience is often occasioned by and to witnesses from the Mofussil in consequence of their want of information as to the means of getting quarters, if they are poor and strangers, and as to the means of obtaining their expenses. They should be informed that the Commissioner of the Police of Calcutta (and not the Clerk of the Crown) has charge of these matters.

(*d*) In cases where Magistrates require advice or direction (except as to what merely concerns the office of Clerk of the Crown), they should apply direct to the Solicitor to Government.

57. [*Chapter XXXIII, C. C. P.*—RULE *Warrants to be sent with European British Subjects committed to the High Court—C. O. No. 8 of 6th August* 1866.]—(*a*) The warrant of commitment, in the following form, should be directed to the Superintendent of the Presidency Jail in Calcutta:—

*To the Superintendent of the Presidency Jail.*

Whereas
of is (*or* are) charged with (*state offence*) and has (*or* have) been committed to take his (*or* their) trial before the High Court.

You are hereby required to receive the said into your custody and to have the body (*or* bodies) of the said before the said High Cou t for trial at the Sessions of the Court next ensuing the date hereof.

*Dated the* 18 (*Signature*)
(*Office and powers*)

(*b*) The warrant of commitment ought always to be delivered to the officer in whose custody the prisoner is sent, in order that it may be made over with the prisoner to the Superintendent of the Presidency Jail as his authority to receive and detain the prisoner. Failure of justice has been caused in many cases through neglect to adopt this course, and the Court trust that Magistrates will be careful as well in this respect as in taking proper steps to ensure the attendance of the necessary witnesses at the Sessions. In addition to the warrant of commitment, a warrant should be directed to the police officer in charge of the prisoner, and should direct such officer to take the prisoner and deliver him to the Superintendent of the Presidency Jail. Such warrant may be in the following form:—

FORM OF WARRANT.

To (*the name of the officer or officers sent in charge of the prisoner*) and to all other Peace Officers of the Empress of India in the Provinces and Districts of Bengal, Behar, and Orissa, and places subordinate thereto, whom this may concern.

Whereas of is charged with (*state the offence as in warrant of commitment*), and has been committed by me, the undersigned Magistrate, to the Superintendent of the Presidency Jail for trial before the High Court of Judicature at Fort William in Bengal, you are therefore hereby required to receive the said

into your custody, and to deliver him into the custody of the Superintendent of the Presidency Jail at Calcutta, to be there safely kept until he shall be thence delivered by due course of law.

*Dated the* *day of*

## Lunatics.

58. [*Chapter XXXIV, C. C. P.—Form of Finding—Letter No.* 955 *of* 17*th August* 1867.]—The following is suggested as a suitable form of finding of acquittal on the ground of insanity[1]:—

"The Court, concurring with the Assessors, finds that ( ) did kill ( ) by striking him on the head with a club, but that, by reason of unsoundness of mind, he was incapable of knowing that he was doing an act which was wrong or contrary to law, and that he is not therefore guilty of the offence specified in the charge, *viz.*, and the Court directs that the said ( ) be acquitted, and that under the provisions of section 471, Criminal Procedure Code, the said ( ) be kept in safe custody in the pending the orders of the Local Government."

## Language to be used in Court.

59. [*When an Advocate may address the Court in English—C. O. No.* 4 *of* 15*th March* 1869.]—With the permission of the Presiding Judge or Magistrate, any Advocate or Pleader may address the Court in English, when any one of the Pleaders on the opposite side is acquainted with that language, or whenever the senior of such Pleaders or his client consents to this being done.

[1] Magistrates and Sessions Judges should report such cases direct to Government. (*See Bengal Government Circular No* 84, *dated* 18*th October* 1870) Pending a reference to Government, the lunatic should be detained either in the Jail-hospital or in the Lunatic Asylum, where there is one, at the discretion of the Magistrate.—(*Ibid, No.* 48 *of* 12*th August* 1871.)

**Army Act. (Delivery of prisoners to Courts-Martial.)**

60. [*Section*, 549 *C. C. P.—Delivering to Military Authorities of persons liable to be tried by Courts-martial—Home Department Notification No.* 1222, *dated the* 27*th July* 1887 ] The following rules have been made by the Governor-General in Council, under section 549 of the Code of Criminal Procedure, respecting the delivery to the Military Authorities of persons charged with offences under section 41 of the Army Act, 1881, for which they are liable to be tried by Court-martial held under that Act:—

I. (1[1]) When a person subject to military law is accused of an offence for which he is liable under the Army Act, 1881, section 41, to be tried by a Court-martial, a Magistrate shall not proceed to try him, or to issue an order for his trial by jury, or to hold an inquiry into the case as a case triable by the Court of Session or the High Court, unless he is moved to do so by the Military Authorities, or is of opinion, for reasons to be recorded in writing, that he ought so to proceed without being moved thereto by those authorities.

(2) When the Magistrate is of opinion that he ought so to proceed without being moved thereto by the Military Authorities, he shall give notice of his intention to do so to an officer to whose command the accused person is subject, and shall not, till the expiration of fifteen days from the date of the service of the notice on the officer,—

(*a*) in a summons case, acquit or convict the accused under section 243, section 245, section 247, or section 248 of the Code of Criminal Procedure, or hear him in his defence under section 244 of the Code; or

[1] Inserted on the revision of the Rules in 1891.

(*b*) in a warrant case, frame a charge against the accused under section 254 of the Code; or

(*c*) issue an order for the trial of the accused by a jury under section 451A, sub-section (2), of the Code; or

(*d*) make an order committing the accused for trial by the Court of Session or the High Court under section 213 or section 214 of the Code.

(3) If within the fifteen days, or at any time thereafter before the Magistrate has done or made an Act or order specified in clause (2), sub-clause (*a*), sub clause (*b*), sub clause (*c*), or sub clause (*d*) of this Rule, an officer to whose command the accused is subject notifies to the Magistrate that, in the opinion of the Military Authorities, the accused should be tried by a Court-martial, the Magistrate shall stay the proceedings before himself, and if the accused is in his power, deliver him, together with the statement mentioned in section 549 of the Code, to the authority prescribed in that section.

II. If, after a Magistrate has been moved by the Military Authorities to proceed against a person subject to military law for an offence for which that person is liable, under the Army Act, 1881, section 41, to be tried by Court-martial, an officer to whose command the person is subject notifies to the Magistrate that, in the opinion of the Military Authorities, the accused should be tried by a Court-martial, the Magistrate, if he has not, before receiving the notice, done or made an Act or order specified in clause (2), sub-clause (*a*), sub-clause (*b*), sub-clause (*c*), or sub-clause (*d*) of Rule I, shall stay the proceedings before himself, and if the accused is in his power, deliver him, together with the statement

mentioned in section 549 of the Code, to the authority prescribed in that section.

III. If a person who has been delivered by a Magistrate to a Commanding Officer, under Rule I, clause (3), or under Rule II, for the purpose of being tried by Court-martial, is not brought to trial before a Court-martial for the offence of which he is accused, or effectual proceedings have not been taken, or have not been ordered to be taken, against him, the Magistrate shall report the circumstance—

(*a*) in cases occurring within the territories administered by the Governor of Fort St. George in Council, or by the Governor of Bombay in Council, for the information and orders of the Governor in Council of Fort St. George or of Bombay, as the case may be; and

(*b*) in other cases through the Local Government, for the information and orders of the Governor-General in Council.

## Army Act.

61. [*Army Act*, 1881 (44 *and* 45 *Victoria, Cap.* 58)—*Circular Order No. I of 25th January* 1889.]—The Governor-General in Council,[1] in exercise of the powers conferred by Section 169 of the Army Act, 1881 (44 and 45 Victoria, Cap. 58.), is pleased to declare that fifty rupees and two hundred rupees shall, for the purposes of Section 156 of that Statute in India, be

[1] (*Home Department Notification No.* 1698, *dated the 8th of November* 1888, *published in the* Gazette of India *of the 10th idem, Part I, page* 516)

the respective equivalents of five pounds and twenty pounds.

## Intestate property of Military Men.

62. [*Intestate Property—Estates of Military men—C. O. No. 57 of 25th April* 1851.]—The Articles of War vest the administration of the estate of a deceased officer or soldier, or person receiving public pay drawn by an officer in charge of a public department belonging to the Army, in the Military Authorities whenever there may be no heir or executor of the deceased on the spot at the time of decease, thereby precluding the jurisdiction of the Civil Courts in regard to the same. Whenever any such property comes into the hands of a Magistrate, he shall, instead of forwarding it to the Judge of the District, communicate with the Officer Commanding the regiment, or in charge of the department to which the deceased belonged, and comply with the instructions which such authority may give regarding the disposal of it.

## Stamps.

63. [*Stamps—Procedure when the genuineness of a stamp is doubted—C. O. No.* 8 *of* 14*th January* 1880.]—(*a*) When a Judicial Officer sees reason to doubt the genuineness of a stamp filed before him, the stamp should be forwarded to the Collector of the District, who will examine it, and satisfy himself, if possible, as to its character, reporting the result to the Officer sending it.

(*b*) Care should be taken to retain an examined copy of any document bearing a stamp which may be forwarded to the Collector under the above orders.

# CHAPTER II.

## FEES CHARGEABLE IN CRIMINAL COURTS.

### Process Fees.

1. [RULES[1] *framed by the High Court of Judicature at Fort William in Bengal, in accordance with clause* 2, *section* 20 *of the Court Fees Act*, 1870, *declaring the fees chargeable for service and execution of the several processes in the Courts of Magistrates in Bengal and Assam—C. Os. No.* 13 *of* 2*nd April and No.* 35 *of* 17*th November* 1879.]

I.—The fees hereinafter mentioned shall be chargeable for serving and executing the processes[2] to which the fees are repectively attached, *viz.*,—

| | Rs. | A. | P. |
|---|---|---|---|
| (1) Warrant of arrest— | | | |
| For the warrant in respect of each person named therein ... | 1 | 0 | 0 |

[1] Published at page 304 of the *Calcutta Gazette* of the 2nd April 1879 and at page 596 of the *Assam Gazette* of the 18th October 1879.

These rules apply only to processes served and executed by Magistrates' establishments. By this, however, it was not intended that processes issued under the orders of a Court of Session should be served without charge, as it was contemplated that such processes should always be issued by the District Magistrate at the discretion of the Sessions Judge—(*H. C.* 1318 *of* 1881.)

[2] Under clause 2, Section 68 of Act X of 1882, the Lieutenant-Governor has declared that processes issued under that Act shall be served by peons appointed under the rules framed by the High Court in accordance with Section 22 of the Court Fees Act, VII of 1870. (*Vide Notification, Government of Bengal, the* 11*th May* 1883; *Calcutta Gazette*, 23*rd ibid, page* 426.)

Similar orders have been passed by the Chief Commissioner, Assam. (*Vide Notification, Judicial Department, No.* 46 *of* 20*th June* 1883; *Assam Gazette of* 23*rd ibid, p.* 290.)

Under Section 19, Clause xviii of the Court Fees Act, VII of 1870, no Court-fee is leviable on a complaint preferred by a Municipal Officer Court-fees should, however, be levied for processes issued in non-cognizable cases instituted by such officers, such fees being, on conviction of the accused, recovered from him under Section 31 of the Court Fees Act.—(*G. L. No.* 4 *of* 18*th December* 1889.)

Insert the following as note 3 at the foot of page 52, Chapter II :—

[3]The rules contained in Rule I, pages 52 and 53, do not apply to the service and execution of processes in the case of cognizable offences and no fee can legally be charged for the issue of a process in the case of a cognizable offence, whether the case be instituted on complaint or not.

The question whether fees are chargeable in any particular case should be determined by the Magistrate with reference to the section of the Indian Penal Code or other law relating to the offence in respect of which he directs process to issue, whatever the section or law may be that is quoted in the complaint.—(*G. L. No. 1 of 9th February 1900.*)

| | Rs. | A. | P. |
|---|---|---|---|
| (2) Summons— | | | |
| For the summons in respect of one person, or of the first two persons residing in the same place | 0 | 8 | 0 |
| In respect of every additional person named therein ... ... | 0 | 4 | 0 |
| (3) Proclamation for absconding party under section 87 of the Code of Criminal Procedure— | | | |
| For the proclamation ... | 2 | 0 | 0 |
| (4) Proclamation for witness not attending (section 87)— | | | |
| For the proclamation ... | 0 | 8 | 0 |
| (5) Warrant of attachment— | | | |
| For the warrant ... ... | 1 | 0 | 0 |
| Where it is necessary to place officers in charge of property attached, for each officer so employed, per diem ... ... | 0 | 4 | 0 |
| (6) In cases where an application is made by a complainant for the recovery of costs awarded under section 31, Act VII of 1870, or of compensation granted under section 545, Code of Criminal Procedure, or where a defendant applies for the recovery of compensation awarded to him under section 250 of the Code of Criminal Procedure— | | | |
| For the warrant for the levy of the fine or compensation ... . | 0 | 8 | 0 |
| (7) Written order— | | | |
| For the order ... ... | 1 | 0 | 0 |

| | Rs. | A. | P. |
|---|---|---|---|
| (8) Injunction[1]— | | | |
| For the injunction ... ... | 1 | 0 | 0 |
| (9) Notice— | | | |
| For the notice ... ... | 1 | 0 | 0 |

II.—Nothing herein contained shall be deemed to authorise the levying of any fee for any summons to attend as a juror or assessor in a Court of Session, and no fee shall be chargable on any such summons.

III.—No fee shall be chargeable in advance on any process of a Criminal Court in any case where the prosecution is on the part of Government, but it shall be competent to any Magistrate in such case, if the accused is convicted, to order that such fees shall be paid by the accused, or any of them, in like manner as if such fees had been paid by the prosecutor in the first instance.

IV.—No process which comes within the operation of Rule I or VI shall be drawn up for service or execution, except upon an application made to the Court for that purpose in writing on a document bearing upon its face stamps not less in amount than the fee which is directed to be charged for serving and executing the process so sought to be drawn up. This application may, however, at the option of the party making it, be included in the petition by which he moves the Court to order the process to issue, but in that case the petition must bear the requisite stamps for the process fee, in addition to such stamps, if any, as are needed for its own validity: and, in either case, the filing of the

[1] The provisions of section 31, clauses iii and iv, Act VII of 1870, and of paras. iii and iv of these Rules, apply also to injunctions. Criminal officers are, however, reminded that injunctions in proceedings not connected with *offences* are not chargeable with any fee. An injunction under section 143, C. Cr. P., would, for example, be chargeable with the above fee; whereas an injunction under section 144 or 145 of the Code would not carry any fee—(*Rule No.* 10 *of* 26*th September* 1882.)

application, thus duly stamped, shall constitute payment of the fee chargeable for the process.[1]

V.—When a proclamation has been issued for an absent witness, if the witness shall afterwards appear, and the Court shall be of opinion that such witness had absconded or concealed himself for the purpose of avoiding the service of a warrant upon him, such Court may order the witness to pay the cost of the proclamation.

VI.—In the districts named in the margin, where the Subdivisional system has not been fully introduced, in every case where a process has to be executed at a distance of more than 25 miles from the Court from which it is issued, an addition of one-fourth is to be

| *Bengal.* | |
|---|---|
| Pajshahye. | Beerbhoom. |
| Bograh | Chittagong. |
| Dinagepore. | Noakholly. |
| Malda. | Singbhoom. |
| Rungpore. | Lohardugga. |
| Bancoorah. | Manbhoom. |
| Hazareebagh. | |
| *Assam.* | |
| Cachar. | Nowgong. |
| Sylhet. | |

[1] In exercise of the powers conferred by Sections 26 and 35 of the Court Fees Act, 1870, and of all other powers enabling him in this behalf; and in supersession of Notification by the Government of India in the Financial Department, No. 1520, dated 5th March 1875, and all other Notifications on the subject, the Governor-General in Council is pleased to issue the following directions:—

I.—When in any case the fee chargeable under the said Act is less than Rs. 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall either be the adhesive stamps bearing the words "Court Fees," at present in use, or adhesive stamps of any different shape, size, or pattern, bearing the words "Court Fees," which may hereafter be issued for use, in supersession of or in addition to, the adhesive stamps now in use.

II.—When in any case the fee chargeable under the said Act amounts to or exceeds Rs. 10, such fee shall be denoted by impressed stamps bearing the words "Court Fees," adhesive stamps being only employed to make up fractions of less than Rs. 10.

III.—If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna, such fraction shall be remitted.

IV.—This Notification shall take effect on and after the 1st June 1883, (postponed to 1st July 1883 by Notification 1236, *Gazette of India*, 2nd June 1883.)

[*Notification, Government of India, No.* 361 *of* 18*th April* 1883. (*G. L. No* 2 *of* 11*th May* 1883).]

For rules to regulate the use of adhesive and impressed stamps in accordance with this Notification, see *Calcutta Gazette*, 4th July 1883 Part I, p 571.

made to the fee chargeable, and if more than 50 miles an addition of one-half.

VII.—In the districts named in the margin, where during a portion of the year travelling except by boat is impracticable, boat-hire may, when it has to be incurred, be charged in addition to the fees payable under Rules I and VI above. The rates at which such boat hire shall be charged shall be fixed from time to time by the District Magistrate, and shall be sufficient only to cover on the whole the actual cost of such boat establishment as it may be necessary to maintain for the purpose of serving processes in cases not cognizable by the Police.

| *District.* | *Subdivision.* | *Thana.* |
|---|---|---|
| Backergunge. | | |
| [1]Bogra, that portion lying to the east of the river Karotiya. | | |
| Dacca. | | |
| Furreedpore. | | |
| Jessore. | | |
| [2]Khulna. | | |
| Pubna. | | |
| Mymensingh. | | |
| Noakhally. | | |
| [3]Rungpore ... | Gaibanda. | |
| [4]Rajshahye. | Kurigram. | |
| Sylhet. | | |
| Tipperah | | |
| [5]24-Pergunnahs | Sudder ... | Joynagore. |
| | | Barripore. |
| | | Canning. |
| | | Bhangroe. |
| | Basirhat ... | Hurwah. |
| | | Hasnabad. |
| | Diamond Harbour. | Mathoorapore. |
| | | Kulpee. |

VIII.—Subject to the confirmation of the Local Government, the High Court may, by notification in the Government Gazette, on sufficient cause shown, exempt from time to time any district, or part of a

[1] Added by Rule No. 2 of the 5th March 1886.
[2] Added by Rule No. 3 of the 23rd April 1890.
[3] Added by Rule No. 1 of the 1st January 1891.
[4] Added by Rule No. 2 of the 15th January 1891.
[5] Added by Rule No. 6 of the 8th March 1884.

*Cancel*—Rules VIII, Chapter II, pages 56 and 57—(*C. O. No. 3 of 12th December 1899, Civil.*)

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Published in the *Calcutta Gazette* of the 29th November 1899, Part I, page 1470, and in the *Assam Gazette* of the 2nd December 1899, Part IIA, page 857.

district, from the operation of all or any of the above rules, and may similarly bring any district, or part of a district which may be exempt, under the operation of the same.

*For paragraphs VII and VIII above, which relate only to Bengal, substitute the following paragraphs VII, VIII, and IX for processes in Assam :—*

VII.—In the districts named in the margin, where during a portion of the year travelling except by boat is impracticable, boat-hire may, when it has to be incurred, be charged in addition to the fees payable under Rules I and VI above. The rates at which such boat-hire shall be charged shall be fixed from time to time by the District Magistrate, subject to approval by the Sessions Judge, and shall be sufficient only to cover on the whole the actual cost of hiring boats or of such boat establishment as it may be necessary to maintain for the purpose of serving processes in cases not cognizable by the Police.

Sylhet. | Nowgong.
Kamroop. | Lukhimpore.

VIII.—In addition to the fees payable under Rules I, VI, and VII, the amount of ferry fees, if any, which may legally be charged for ferries to be crossed by the peon serving the processes, shall be levied in cash from the party at whose instance the process is issued.

IX.—Subject to the confirmation of the Local Government, the High Court may, by notification in the Government Gazette, on sufficient cause shown, exempt from time to time any district, or part of a district, from the operation of all or any of the above rules, and may similarly bring any district, or part of a district,

which may be exempt, under the operation of the same.[1]

2. RULE. [*Certain processes not chargeable with fees.*]—No fee shall be chargeable for serving and executing any process, such as a notice, rule, summons or warrant of arrest, which may be issued by any Court of its own motion solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority.[2]

## Documents Exempted from Stamp duty.

3. [*Sections* 210, 219, 371, 490, 548, *C. C. P.—Copies of documents exempted from stamp-duty.—Notification, Government of India, No.* 310 *of* 21*st January* 1886.—*C. O. No.* 1 *of* 12*th February* 1886]—(*a*) In exercise of the powers conferrd by section 35 of the Court Fees Act, VII of 1870, and in supersession of the notifications noted on the margin, the Governor-General in Council is pleased to remit the fees payable under the said Act on the following documents, namely:—

Home Department Notification No. 1683, dated 19th September 1870
Financial Department Notification No 2520, dated 5th April 1872
Financial Notification No 7317, dated 18th December 1874
Home Department Notification No. 1443, dated 2nd November 1883.

(1) Copy of a charge framed under section 210 of the Code of Criminal Procedure, 1882, or of a translation thereof, when the copy is given to an accused person.

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[1] No general rule can be laid down respecting the refund of the value of court-fee stamps, in cases where the fees have been paid into Court for the issue of processes, and such processes have not issued. Each case must be left to the discretion of the Court, and decided on its merits. Where the amount is large, it may well be refunded—(*H C* 1635 *of* 1882)

[2] This rule is Rule II of the rules under clause 1, section 20, Court Fees Act, 1870, which otherwise apply only to civil processes

(2) Copy of the evidence of supplementary witnesses after commitment, when the copy is given under section 219 of the said Code to an accused person.

(3) Copy or translation of a judgment in a case other than a summons-case, and copy of the heads of the Judge's charge to the jury, when the copy or translation is given under section 371 of the said Code to an accused person.

(4) Copy or translation of a judgment in a summons-case, when the accused person to whom the copy or translation is given under section 371 of the said Code is in Jail.

(5) Copy of an order of maintenance, when the copy is given under section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid.

(6) Copy furnished to any person affected by a judgment or order passed by a Criminal Court of the Judge's charge to the jury, or of any order, deposition, or other part of the record, when the copy is not a copy which may be granted under any preceding clause of this notification without the payment of a court-fee, but is a copy which, on its being applied for under section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment.

(7) Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader, or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court.

(8) Copies of all documents which any such Advocate, Pleader or other person is required to take, in connection with any such trial or investigation, for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings.

(9) Copies of judgments or depositions required by officers of the Police Department in the course of their duties.

(*b*) [*Notification of Government of India, No.* 1361 *of* 24*th June* 1881—*C. O. No.* 9 *of* 7*th September* 1881.]—In exercise of the powers conferred by section 35 of the Court-fees Act (VII) of 1870, the Governor General in Council is pleased to remit the Court fees payable under clauses 6, 7, and 9 of Schedule I of the Act on copies furnished by the Criminal Courts for the private use of persons applying for them.

(*c*) This notification shall not be deemed to exempt copies furnished thereunder from the payment of the fees chargeable on such copies when filed, exhibited, or recorded in any Court of Justice, or received by any public officer.

4. [*Notification of the Government of India, No.* 4347, *dated the* 26*th November* 1886—*C. O. No.* 1 *of* 2*nd February*

1887.]—In exercise of the powers conferred by Section 35 of the Court-fees Act (VII) of 1870, the Governor-General in Council is pleased to remit the fee payable under the said Act on an application presented by any person for the return of a document filed by him in any Court.

## Fees for Affidavits.

5. RULE. [*Fee for administering Oaths in Affidavits—Notification, High Court, 20th September* 1878, *and C. O. No.* 32. *of 20th September* 1878.]—(*a*) It is hereby notified that, with the sanction of His Excellency the Governor-General in Council, the following charge has been introduced into all Criminal Courts subject to the Appellate Jurisdiction of the High Court, and that it will be levied from and after this date, *viz.*,—

For administering the oath of the declarant in the case of any affidavit . . . . . One rupee.

Except (1) affidavits made by process-servers regarding the manner of service of processes;

(2) affidavits made by any public officer in virtue of his office.

(*b*) The above fee shall be paid by means of a Court-fee stamp of not less value than the amount above prescribed, and will, therefore, be credited to Government. These fees should be shown in column 4 of the detailed Daily Register of Court Fees realised,[1] in order that it may be ascertained whether the receipts in any district

[1] *Vide* Chapter V, Rule 1 page 214.

are sufficient to justify the appointment of a special officer to administer oaths on affidavits.

### Cancellation of Court-fee Stamps.

6. [1][*Act VII of* 1870, *Section* 30—*Instructions regarding the cancellation of Court-fee Stamps—Rule No.* 11 *of* 16*th October* 1882 *and Rule No.* 2 *of* 31*st August* 1883.]—(*a*) Too strict a compliance with the provisions of section 30 of the Court-fees Act cannot be enjoined, and in all cases it should be carefully seen that the figure-head of the Court-fee stamps is punched out, and the piece destroyed, before any action is taken upon the documents to which the stamps may have been attached.

(*b*) Every applicant for a copy shall, with his application, present the folio or folios necessary for such copy; and also the Court-fee stamp required for such copy by the law[2] for the time being in force. If the application be allowed and the copy made, the proper officer shall, before issuing the copy, punch such Court-fee stamp in the manner directed by paragraph 4 of the Circular Order of the Board of Revenue, reproduced in clause (*c*). If the application be disallowed, or if, before the copy is made, the applicant intimate that he does not require it, such Court-fee stamp may be returned to him,—a note of this having been done being made in

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[1] This Rule reproduces the following Civil Circulars, and extends them to Criminal Courts, *viz.* :—

C. O. No. 5 of 24th February 1874.
Rule No. 11 of 10th June 1882.
C. O. No. 19 of 28th April 1880.
G. L. No. 16 of 18th September 1876.
„ No. 5 of 21st April 1880.

[2] *See* Articles 6, 7, 8, and 9 of Schedule I of the Court-fees Acts, 1870.

Add the following as a foot-note to the word "note" in the fifth line of clause (*c*) of Rule 6, Chapter II, at page 63, and to the same word on the sixth line of paragraph 2 of the Board's Circular No. 13 of 1892 reproduced on the same page :—

In cases tried summarily, this note should be entered on the forms of summary trial kept under Section 263 or 264 of the Code of Criminal Procedure.—(*H. C. Progs., December, 1894, No. 84.*)

*Cancel* the Circular Order of the Board of Revenue, No. 5 of October, 1878, reproduced in Chapter II, at pages 63—65 and the note at the foot of page 64 and *substitute* the following :—

## BOARD'S CIRCULAR NO. 13 OF 1892.

Cancellation of Stamps.

Local officers should direct their particular attention to the provisions of Section 30 of the Court fees Act, VII of 1870, regarding the cancellation of stamps used under that Act. The personal responsibility of the officer who gives any order to see that the Stamp affixed under Act VII of 1870 is punched before he takes action is clear from Section 30 of the Act, and must be enforced. The punch to be used by the receiving Court or office must be round. The pieces punched out shall be immediately destroyed, so as to prevent their being fraudulently used.

the Register and signed by the proper officer and the applicant.

(*c*) The Record-keeper of every Court shall, when a case is decided and the record made over to his custody, punch a second hole in each Court-fee label, distinct from the first; and shall, at the same time, note upon the Table of contents* the date on which the stamps on documents contained in such record have been so punched by him[1]. District and Subdivisional Magistrates must require this order to be strictly carried out in future. Attention is called to the Circular Order of the Board of Revenue quoted below, and to the necessity for seeing that all stamps are punched and registered before they are received or acted on. As petitions have to be taken in open Court, some person should be in attendance there to punch and register the stamps in the presence of each Magistrate, immediately before the petitions are handed to him.

* *Vide* Rule 1, Chapter IV, page 136.

*Circular Order issued by the Board of Revenue, Lower Provinces, No.* 5 *of. October* 1878.

It having been brought to the notice of the Board that the provisions of section 30 of the Court-fees Act, VII of 1870, regarding the cancellation of stamps, and the rules prescribed by Government on the same subject, are not in all cases strictly observed, the Board believe that it will be useful to recapitulate and publish collectively the several rules and orders which have from time to time been issued for the guidance of all officers concerned.

2. Every Court and officer before whom a document requiring a stamp under the Court-fees Act is produced, is bound

[1] The preceding words were substituted for the original words by Rule No. 1 of 15th January 1885.

to see that the figure-head of the stamp is punched out and destroyed before taking action on the document (Government of India's Order, Financial Department, No. 831, dated 31st January 1874; Board's Circular Order No. 4 of February 1874).

3 After a case is decided, the record-keeper of every Court is required to punch a second hole on each stamp, distinct from the first, and to note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature. If the hole which was first punched is round, the second hole should be either square or triangular (Government of India's Order, Financial Department, No. 1763, dated 24th July 1873; Board's Circular Orders No. 3 of August 1873, and No. 3 of October 1873).[1]

4. In the case of copies, certificates, or other similar documents liable to be stamped under the Court-fees Act, the Court or office issuing them is required, before issue to cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label upon which its value is expressed; and as an additional precaution, the signature of the officer attesting the document, with the date, should be written across the label and upon the paper on either side of it (Government of India's Order No. 3373, dated 24th September 1875; Board's Circular Order No. 4 of November 1875.)

5. An impression apparently exists that the hole which is punched by the issuing Court or office on the stamp-label affixed to copies, certificates, &c., under the order cited in the preceding paragraph, does away with the necessity of cancellation, by punching out the figure head under section 30 of the Act, by the Court or office in which the copy or certificate, &c., may be

[1] These directions apply only to adhesive labels issued under the Court-fees Act. Impressed stamps used for denoting Court-fees need not be cancelled or punched otherwise than as required by Section 30 of the Court-fees Act [*Government of India Resolution No.* 3047, (*Stamps*) *of* 5*th September* 1883 (C. O. *No.* 1 *of* 18*th January* 1884)]

produced or filed; but this view is incorrect, and it will be readily understood that the orders in question cannot override the express provision of the Act.

6. It will therefore be observed that, under the orders now in force, all Court-fee stamps must be punched at least twice if they go into the record-room,—*first*, there is the punch required by section 30 of the Act; and *secondly*, the square or triangular punch of the record-keeper. But if a stamped copy of a document is filed with the record in a judicial proceeding, it must be punched three times,—*first*, by the issuing Court or office; *secondly*, by the receiving Court or office; and *finally*, by the record-keeper.

7. The heads of Courts or offices in which stamps are used or filed are required to cause an inspection to be made, at least once a quarter, of all papers and documents in the records of the Court or office that require adhesive labels, in order to ascertain that the stamps have been properly punched and defaced, and have not been subsequently removed from the documents in which they were used (Board's Circular Orders No. 3 of October 1873, and No. 7 of November 1875).

(*d*) Government having directed the Inspector-General and Inspectors of Registration to examine record-rooms of the various Courts in the mofussil in order to see how far the rules and instructions on the subject of the punching, custody, and sale of stamps are carried out, every assistance should be afforded by Judicial Officers to those officers in the discharge of their duty.

(*e*) Government having ordered that, on the discovery of any irregularity in respect of punching or otherwise defacing Court-fee stamps, the inspecting Registration Officer should at once bring the matter to the notice of the presiding officer of the Court, such officer should go into the matter at once, and thus trace the person who is responsible for the omission pointed out by the inspecting officer.

# CHAPTER III.

## Account Rules*—(Judicial).

(For observance by Judicial, Magisterial, and all Civil Officers, not in direct account with the Accountant-General, in the receipt and payment of money.)

### SECTION I.

GENERAL.

*Application of the Rules* 1-2
*District Judge* . . . 3
*Judge in charge* . . . 4
*Heads of Account* . . 5-6
*General Principles* . 7-17

#### Application of the Rules.

1. The following rules prescribe the procedure for the receipt and payment of money, and for keeping accounts to be observed by officers exercising judicial powers and dealing with money in that capacity. These rules do not apply to the High Court, or to the Presidency Small Cause Court; nor do they apply to the subordinates of the Magistrate of the District, because such of them as are stationed in the interior of the district exercise also Collectorate powers and keep their accounts under Treasury rules, and the transactions of those at head-quarters are included in those of the Magistrate. They apply to all Judges, Additional Judges, Subordinate Judges, Munsifs, Small Cause Court Judges, and Magistrates of Districts, and these all are included under the general term "Judge."

*NOTE.—The Judge of the Small Cause Court at Sealdah has been exempted from these rules as there is no Treasury at Sealdah, and the Judge keeps a small cash chest, rendering accounts to the Accountant-General direct. (*Deputy Accountant-General's No. 183, dated 30th April 1881*)

* These rules were issued with C. O. No. 4 of 5th March 1881.

*Insert* the following as an additional note to the Account Rules—(Judicial), Chapter III, page 66:—

There being no Sub-Treasury or Treasure chest at Dinapore in the District of Patna, the Sub-Divisional Officer at that station is allowed, as a special case, to maintain a Treasury Pass-Book under these Rules. (*H. C. Progs., June 1892, Nos. 139, 140.*)

2. While the rules generally are applicable to all the officers just mentioned special procedure is laid down, where necessary, for Courts not situated at or near a Treasury or Sub-Treasury. Such Courts are in the Rules designated "Out-stations," which term must be held to include Courts at or near Sub-Treasuries during such time as the Sub-Treasuries may be temporarily closed owing to the absence of the Sub-Divisional Officer from his head-quarters.

The Rules apply to Judges of Small Cause Courts as if they were District Judges (*vide* Rule 3), and not as if subordinate to District Judges. (*Accountant-General's No. 279, dated 4th June 1881.*)

### The "District Judge."

3. In these Rules the term "District Judge" signifies the officer whose accounts are rendered to the Accountant-General, either for his own Court only, or for his own and subordinate Courts. Any officer may be vested with the powers of a District Judge for the purposes of these Rules; and in any District in which a District Judge is not for the time being resident they shall be exercised by the principal Civil Judicial Officer at head-quarters.

Only one set of returns should be sent to the District Judge for the Courts whose accounts are kept together, and not a separate set for each Court. (*Accountant-General's No. 141A., dated 26th April 1881.*)

In Districts such as Chumparun, Durbhanga, Malda, Pooree, &c., where there is no District Judge, the principal Civil Judicial Officers at the head-quarters are the Officers invested with the powers of a District Judge for the purposes of accounts; and they will keep and render the accounts of all the Civil Courts in their respective Districts. It is not intended that a District Judge can delegate his powers as regards the accounts to any of his subordinates. What he can do, when absolutely necessary, is to place any of the officers subordinate to him in charge of accounts, without in any way relieving himself of the responsibility for the due accounting for all receipts and payments. When

this is done, the Judge's establishment will do all the work in connection with the accounts, and the subordinate officer will sign the papers as if he were placed in charge of the current duties of the Judge's Court.

A Serishtadar of a Munsif's Court, placed in charge of accounts, cannot pass the Chalans. (*Accountant-General's No. 311A., dated 5th September 1881.*)

### The "Judge in charge."

4. The term "Judge in charge" is used to designate the officer who, when two or more Courts at one station are combined for the purposes of these Rules, supervises the single set of accounts maintained for all the Courts so combined. When Courts are not so combined, each Judge is the "Judge in charge" of his own accounts.

Where two or more Civil Courts are at the same station, the English Clerk and Accountant sanctioned by General Order, dated 18th September 1880, will be attached to one only of the Courts, and *that* Court should keep the accounts of all the Courts at the Station. (*Accountant-General's instructions, of which copy came to High Court with his No. 101A., dated 26th April 1881.*)

In *that* Court also should be kept one (the only one) set of registers for all the Civil Courts at the same Station. Accordingly the accounts of all the Courts at the Sudder Station should be kept in the District Judge's Court, and those of the Courts at the same Sub-Division or out-station should be kept in the Court of the Senior Munsif at the Station. (*Accountant-General's No. 141A., dated 26th April 1881.*)

### Heads of Account.

5. The following are the heads of account in the public accounts under which the money received and paid by Judicial Officers, or under their orders, is classified :—

(*a*) Civil or criminal deposits, including rent deposits.

NOTE.*—Any sum deposited in Court under Section 14 (1) of the Succession Certificate Act (VII of 1889) with an application for a certificate or for the extension of a certificate must be classed under this head of account.

* Added by Rule No. 14, dated the 23rd September 1890.

At page 68, in Rule 5, clause (*a*), Chapter III, after the words "rent deposits" *insert*—and compensation fines (including costs in criminal cases, not paid on the spot in open Court (*Rule No. 2 of 20th September, 1894.*)

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Published in the *Calcutta Gazette* of the 5th September, 1894, Part I, page 945, and in the *Assam Gazette* of the 15th *idem*, Part III, pages 888 and 889.

In the NOTE under Rule 5, Clause (*a*), Chapter III, page 68, for the words "under this head of account" *substitute* "under Civil deposits."
(*Slips for February, 1892.*)

(*b*) Fines (judicial); refunds of the same.

Except as provided in Rule 52 below, fines can be refunded only through the Treasury.

(*c*) Stamp duty and penalties realized in Court. Refunds of the value of Court-fee stamps.

While stamp duty and penalties may be realized in Court, it will be observed that they can, under Section 36 of the Stamp Act, be refunded only by the Collector. Court-fees realized in stamps may, under certain circumstances, be refunded by order of the Court; such orders, if the amount payable does not exceed ₹ 5, may be cashed in Court, otherwise they are payable only at the Treasury.*

(*d*) Value of the unclaimed property of intestates and others credited to Government.

District Judges' Courts alone at present deal with the unclaimed property of intestates. The value thereof cannot be credited to Government until the time limited by law has expired (*vide* Rule 105, *post*). Refunds under this and the following heads can be made only through the Treasury.

(*e*) Miscellaneous receipts (not deposits), *i.e.*, forfeitures, forfeiture of earnest-money by defaulting bidders, sale-proceeds of old furniture, stores, &c., &c.

(*f*) Petty receipts to be credited at once to Government, *i.e.*, searching fees, copying fees, comparing fees, sale-proceeds of forms and of service books.

When receipts under this head are realized in stamps it is not necessary to enter them in the accounts as cash receipts.

(*g*) Peremptory receipts, *i.e.*, witnesses' expenses,

* No general rule can be laid down respecting the refund of the value of Court fee stamps in cases where the fees have been paid into Court for the issue of processes and such processes have not issued. Each case must be left to the discretion of the Court and decided on its merits. Where the amount is large it may well be refunded—H. C. 1635 of 1882. (Civil).

prisoners' diet-money, boat-hire, Amins' travelling allowance, fees payable to Commissioners for taking evidence, postage and other peremptory receipts.

Money received for payment of postage should be shown along with other peremptory receipts in the Cashier's peremptory Cash-book. (*Accountant-General's No. 101A., dated 26th April 1881.*)

6. From the list of headings in Rule 5 it will appear that the rules apply only to money received by an officer in his judicial capacity. They do not apply to Local Fund receipts and payments, nor to money received by way of permanent advance, or upon establishment or contingent bills (see Rule 36). As regards Local Funds there is a separate system of rules; and as regards other items a Judicial Officer should deal with them under the rules applicable to other officers.

**General Principles.**

7. All receipts and payments under heads (*a*) to (*e*) above must appear in the Court's accounts and in the Treasury accounts in detail. An account in detail of all receipts under head (*f*) must be kept in the Court, but only the daily totals of each kind of receipts will appear in the Treasury books. All receipts and payments under head (*g*) will be made on the responsibility of the Cashier, whose security must be sufficient to cover any amount in his hands. They will not appear at all in the Treasury accounts, but the balance in the hands of the Cashier must be noted daily in the Cash-book, as well as the balances of any other moneys which he may be entrusted with (*e.g.*, permanent advance, pay of establishment, &c.).

8. An exception to Rule 7 is allowed in cases where money has to be paid by one person to another, and both are present in Court. In such cases the money may be passed direct from the one to the other under the sanc-

To the note at the foot of Rule 5, clause (*g*), Chapter III, page 70, add the following further note :—

As the Peremptory Cash-book is no longer required to be maintained by District Magistrates, such receipts must, in the case of these officers, be entered in the General Cash-book. (*Rule No. 5 of 2nd June, 1892.*)

At page 70 *ibid*, in Rule 7 in the first line, for "heads (*a*) to (*e*)" *substitute*—heads (*a*) to (*c*) and in the fourth line for "head (*f*)" *substitute*—heads (*e*), (*f*), (*ff*) and (*fff*).

(*Rule No. 4 of 9th August, 1894, Civil.*)

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Published in the *Calcutta Gazette* of the 1st August, 1894, Part I, pages 843 and 844, and in the *Assam Gazette* of the 4th *idem*, Part III, pages 801 and 802.

*Insert* the following as a "NOTE" to Rule 7, Chapter III, at page 70 :—

NOTE.—Fractions of a pie are not to be entered in the Court's accounts and they should neither be received nor paid.—(*H. C. Progs., Civil, August 1898, No. 35.*)

At page 71, after clause (*b*) of Rule 9, *ibid*, *insert*—

(*bb*) when the complainant or informant is ordered by the court to pay compensation to the accused at the time of his acquittal (section 560, Criminal Procedure Code),

(*bbb*) when by order of the court compensation is paid to the complainant out of the fine imposed on the accused (section 545 *ibid*);

(*bbbb*) when the costs of processes, etc., in non-cognizable cases are recovered from the accused in addition to any fine that may have been imposed on him and are paid to the com-

After Rule 9, clause (*bbbb*), Chapter III, at page 71, *insert* the following:—

(*bbbbb*) when the Magistrate awards compensation to the complainant under Section 22 of the Cattle Trespass Act. (*Bengal Government, No 28 J D. of 6th May, 1895.*)

tion of the Court, the fact being noted in the record of the case. Such transactions are not to appear in the accounts at all. Care must, however, be taken to see that no officer of the Court receives or becomes in any way responsible for the money, and that no receipt for it is given by the Court or any officer of Government. This procedure may conveniently be followed in cases where judgment-debtors are prepared to satisfy the claims of judgment-creditors, where costs of the day are allowed by the Court, where compensation is awarded to accused persons, or costs to complainants by the Criminal Courts.

9. Judges will, as far as possible, in their transactions with the public, avoid the direct receipt and payment of money under head (*a*) of Rule 5. Cash must, however, be received—

(*a*) when the Court is bound by law to accept payment either absolutely or up to a given time (*vide* Sections 306, 307, and 336, Act XIV of 1882), and in every such case the money shall be received even although tendered after the hour prescribed by Rule 15;

(*b*) when the proceeds of moveable property sold in execution (Section 297, Act XIV of 1882) are realized after the hour prescribed in Rule 15;

(*c*) at out-stations in the case of rent deposits under Section 46 of Act VIII (B. C.) of 1869, and Sections 61 and 62, Act VIII of 1885, and

(*d*)* any sum deposited under Section 14 (1) of the Succession Certificate Act (VII of 1889) must be received in cash, even though tendered after the hour prescribed by Rule 15.

10. At out-stations cash transactions under head (*a*)

* Added by Rule No. 14, dated the 23rd September 1890.

of Rule 5 are allowed. Money should, however, be received in cash only when, having regard to the balance in hand (which should not exceed ₹500), this can conveniently be done. Payments of small sums should ordinarily be made out of cash in hand, but large payments should be made in cash, only if this can be done conveniently, and if it is better thus to disburse the balance of cash in hand than to remit it to the Treasury.

11. Judges of Small Cause Courts, and Munsifs exercising Small Cause Court powers, though their Courts are situated within daily reach of a Treasury, may, by special order of the High Court, be empowered to receive and pay in cash small sums coming under head (*a*) of Rule 5. The sums so paid shall not in any case exceed ₹100 in amount.

12. Money under heads (*b*), (*c*), (*d*), (*e*), (*f*), and (*g*) of Rule 5 may ordinarily be received in cash in all Courts. As explained in the notes to that Rule, repayments under heads (*b*), (*c*), (*d*), (*e*), and (*f*) should ordinarily only be made through the Treasury. Under head (*g*), payments will ordinarily be made in cash by the Cashier on his own responsibility.

13. Except in the case of Courts at out-stations the whole cash balance must be remitted to the Treasury, as provided by Rule 58 below, at the close of each day. At out-stations the entire cash balance must be so remitted on the last day of the month, and from time to time on such other days in the course of the month as may be convenient. Under no circumstances shall the balance of cash in hand be allowed to exceed ₹500.

14. If after a remittance, and before further cash has come in, payments in cash are necessary, they should be made from the permanent advance.

15. For the purposes of these Rules in all Courts the

*Insert* the following as a note to the word "Treasury" in the second line of Rule 13, Chapter III, at page 72:—

*Or to a Branch Bank, *vide* Rule 62. (*H. C. Progs., February, 1893, No. 243, Civil.*)

Should, however, the cash-balance at any out-station be less than Rs. 25 at the end of any month, the Officer concerned may send a special report of the circumstances to the Collector of the District and keep the balance in hand for remittance during the following month. (*Rule No. 15 of 27th November, 1891—Civil and Criminal.*)

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Published in the *Calcutta Gazette* of the 18th November, 1891, Part I, page 986, and in the *Assam Gazette* of the 21st idem, Part III, page 580.

"day" must be taken to close at 2 P.M., and the next "day" to extend from that hour to 2 P.M. of the following calendar day. Between 2 and 3 P.M. the accounts shall be made up, and no transactions shall take place in Court. If, under exceptional circumstances, any transactions have to be allowed after 3 P.M., they must be entered in the Court's accounts, bearing date the next open day.

On the last working day of each month, or when the Treasury closes at 1 P.M., it is necessary that the accounts be closed at noon, and in this case the next day shall extend from noon till 2 P.M. of the following calendar day.

16. The "month," for the purposes of these Rules, shall be taken to close, in Courts at District Head-quarters, at the end of the last account day of the month; in Courts at Sub-Treasuries, at 2 P.M. on the day on which the accounts of the Sub-Divisional Treasury are finally closed for the month; and at out-stations, at 2 P.M. of the last day, on which the accounts can reach the Treasury in time for incorporation with the Treasury accounts for the last day of the month.

17. For the purposes of these Rules the "year" in all Courts shall be taken to begin on the 1st April and to close on the 31st March.

## SECTION II.

### RECEIPT OF MONEY.

*Heads (a) to (e)—*
*Chalans required* . 18-20
*Registry of Chalans* . 21
*Approval by Judge in charge* . . . . 22-24
*Heads (f) and (g)* . . 25-26
*Receipt of Money by Cashier* . . . . 27-32.
*Peremptory Cash-book* . 33
*General Cash-book* . 34
*Accountant's Check* . 35
*Daily Balance* . . . 36

*Heads (a) o (e) of Rule 5.*

18 Payment of sums falling under heads (*a*) to (*e*) of Rule 5 cannot be accepted either in Court or at the

account it is tendered to the person to whom it is stated to be payable, and, after correcting the forms of Chalan, if necessary, shall sign part I, and pass the forms on to the Accountant of the Court or set of Courts, who, having filled up part II, shall number and register them in a Register of Chalans (Form No. 2). In column 3 he shall enter the name of the person actually tendering the money, and of the person on whose behalf it is tendered. In column 4 he shall enter the name of the person (if any) to whom the money is payable, and all the other particulars stated in the Chalan and necessary for subsequently posting up the Register of Deposit Receipts.

When Courts are combined for the purposes of account (see Rule 4), there shall be only one Accountant and one Cashier for all the Courts so combined.

21. A separate index number shall be given to each Chalan. The numbers in a consecutive series shall be entered both in the Chalan and in the Register. The Accountant shall be careful to enter in the chalan the particular heading under Rule 5 to which the receipt belongs.

*Approval by Judge in charge.*

22. The Register and the Chalans shall then be laid before the Judge in charge, and he shall initial each entry as he passes the Chalans. The three* Chalans shall then be returned to the party tendering the money, and shall be his authority to pay the same into the Court, or into the Treasury.

A Judge in charge may, with the previous sanction of the District Judge, delegate to the chief ministerial officer of his Court the duty of passing Chalans.

23. No person is required to take out a Chalan till he

* Revised by Rule No 13, dated 15th September 1890.

is actually ready to pay in the money for which he takes it, nor, after a person has taken a Chalan, can he be permitted to defer using it. The order to the Treasury Officer must therefore be limited in its operation to the day upon which the Chalan is made over to the applicant, or, if the transaction occurs after the accounts are closed (Rule 15), to the next open day. This is distinctly provided for in the form of order. In case of failure to tender the money at the Treasury within the time limited, the tenderer must obtain, by written application, an order from the Court extending the time.

When a Chalan is issued on the *Treasury* it may be acted upon till 3 P.M. of the day following that on which it is issued, if so ordered by the Court. But when the Chalan is for the receipt of money at the *Court*, it should be restricted in its operation to the day of issue (*vide Accountant-General's No. 452, dated 9th August 1882*).

24. In the case of out-stations, the order to the Treasury Officer shall grant for the payment in of the money such time only as is indispensable to enable it to be taken to the Treasury.

**Heads (f) and (g) of Rule 5.**

25. Petty receipts under head (*f*) of Rule 5 (searching, copying, or comparing fees, &c.), when payable in cash, shall be tendered in the first place to the Accountant, and noted by him in a special Register (Form 3). The Accountant shall enter the name of the tenderer, the amount to be paid, and the number and date in the foil and counterfoil of the Register, shall then detach the right-hand portion, and make it over to the tenderer for presentation with the money to the Cashier.

26. Peremptory receipts under head (*g*) of Rule 5 shall be tendered to the Cashier direct without the intervention of the Accountant. A Chalan is not required in respect of such.

### Receipt of Money by Cashier.

27. The Cashier on receiving a Chalan in triplicate* addressed to him under Rule 20, or a payment slip issued by the Accountant under Rule 25, or a tender of money under Rule 26, shall accept the money, and at once enter the amount as a receipt in the appropriate Cash-book (Rules 33 and 34).

28. When Chalans have so been passed he shall keep one copy, and return the others with his receipts enfaced upon them. These receipts shall be produced in Court by the person paying the money, when it is necessary for him to have satisfaction entered upon the record of the case to which he is a party; or when it is necessary to have a sale confirmed or notices issued upon the landlord in cases of rent deposits, or upon the creditor in cases of debt due to a mortgage-creditor, and the like.*

In the same way, on presentation of the Chalan in triplicate* at the Treasury, as prescribed above in Rule 23, and on payment of the money, the payer shall receive, as an acknowledgment, two of the three Chalans signed—by the Treasury Officer, if the amount be ₹ 500 or more—by the Accountant and Treasurer, if less than that sum.

29. In all cases, whether the money is paid into Court or into the Treasury, the person paying the money shall present to the Court in which the case is pending or decided one of the remaining two copies of the Chalan, and the copy so presented shall be filed with the record of the case. In the event of the person failing to present this copy the Judge in charge shall be justified in refusing to comply with the requisition of such person until the copy shall have been presented.*

* Revised and added by Rule No. 13, dated 15th September 1890.

30. When, under Clauses (*a*) and (*b*) of Rule 9 above, a tender is made of money which must, by law, be received, the payment shall be made direct into Court in cash, but only under the express order of the presiding officer, who shall himself sign the Chalans and see that the money is duly entered in the accounts in the manner prescribed in Rule 15.

31. In the case of payment slips the Cashier shall countersign the slip, which the applicant is to retain as a voucher, and, when a copy has been applied for, his authority to take delivery of the same when ready.

32. When money is tendered under Rule 26, the Cashier shall enter the amount in the foil and counterfoil of a bound book (Form No. 4) of receipts[1] numbered in serial order. He shall then tear off the counterfoil, sign it, and give it to the payer as his voucher.

### Peremptory Cash-book.

33. To exhibit the peremptory receipts and payments (head (*g*) of Rule 5), for which the Cashier is responsible, and of which the Accountant keeps no record, the former officer shall maintain a Register in Form No. 5, in which each class of such receipts and payments shall be separately exhibited in appropriate columns, and a balance shall be struck at the close of each day.

This Register may be kept by the Nazir in Bengali, provided it is maintained in the prescribed form, and the Sarrishtadar of the Judge's Court is made responsible for a general control and supervision over the Accountant, as would seem to be the intention of Rule 3. (*Accountant-General's No. 139, dated 23rd May 1881.*)

### General Cash-book.

34. The Cashier's General Cash-book shall be maintained in Form No. 6, and shall exhibit in detail all

[1] The foils of the Book of Receipts should be retained for a period of three years only after which they may be destroyed,—G. L. No. 4 of the 17th May 1889.

To Rule 34, at pages 78 and 79, *ibid*, add the following :—

In the Courts of District Magistrates, the General Cash-book shall exhibit in detail receipts and repayments under all heads, (*a*) to (*g.*) (*Rule No. 5 of 2nd June, 1892.*)

receipts and repayments under heads (*a*) to (*f*). Receipts and payments under head (*g*) shall not be carried to the General Cash-book in gross, but the balances of the peremptory Cash-book shall be exhibited therein as directed below.

### Accountant's check on Petty Receipts.

35. At the close of each day the Cashier shall submit to the Accountant his General Cash-book, and the Accountant shall check the entries of petty receipts with those on the counterfoil of his Register. The Accountant shall then prepare a Chalan in Form 1 for the whole amount received by the Cashier, distinguishing each kind of receipt separately, and shall enter it in the Register of Chalans (Form 2) as an amount received in Court. The amount in the Register of Chalans must tally with the Cashier's receipts under heads (*a*) to (*f*).

NOTE.—The "whole amount received by the Cashier" refers to the whole amount of petty receipts for which no Chalan is required to be prepared until the close of the day. After they are checked by the Accountant with the entries on the counterfoil of the Special Register in Form 3, they must be distinguished in the Chalan, one from the other, as "searching fees," "copying fees," "comparing fees," &c. [*vide* Rule 5 (*f*)], and entered in the Register of Chalans (Form 2) in the column headed "Amount received in Court." The total in this column must include the Cashier's receipts under all the heads (*a*) to (*f*) shown in his General Cash-book (*vide* Rule 34, *Accountant-General's No. 764, dated 29th November 1881*).

### Daily Balance.

36. The Cashier shall then strike a balance in his General Cash-book, and enter below it in separate entries the balances struck in the Peremptory Cash-book. It is advisable, for purposes of record, that he should be required also to enter here a note of the money held by him upon any other account, such as for contingent expenditure, or for salaries of establishment. These form no substantive part of the judicial accounts, but the Judge ought to have in a single view a statement of all the money

in the Cashier's possession. This statement may be made as follows:—

| Balance of General Cash-book, as above— | ₹ | a. | p. |
|---|---|---|---|
| General balance . . | 0 | 0 | 0 |
| Peremptory balance . | 0 | 0 | 0 |
| Balance of Permanent Advance, as per Contingent Register . . . . . | 0 | 0 | 0 |
| Establishment Pay undistributed . . | 0 | 0 | 0 |
| Other amounts (which should be explained) . | 0 | 0 | 0 |
| TOTAL MONEY IN CASHIER'S POSSESSION | 0 | 0 | 0 |

Being restricted to transactions in actual cash, the General Abstract Cash Book is not to show receipts in the form of Court-fee labels, or refunds of the value of these, which, as explained above (Rule 5), are ordinarily payable only at the Treasury.

As regards postage stamps received by way of remittance, an account should be kept separately in the form of a plus and minus memo., and the balance in hand should be entered, as directed above, in the General Cash-book.

Postage stamps received by way of remittance should not be mixed up with cash receipts. In this account—separate account—the stamps should be added as they are received, and deducted when they are sold or otherwise disposed of, the balance in hand being struck daily for note in the General Cash-book. (*Accountant-General's No. 101A., dated 26th April 1881.*)

But if any refunds are made on account of value of these stamps out of the cash in the Court (and this is allowable if the amount does not exceed ₹5, *see Rule 5,*) they should be included in the cash book like other payments in cash. (*Accountant-General's No. 43 T. M., dated 28th April 1882.*)

## SECTION III.

### PAYMENT OF MONEY.

*Application for Payment* 37
*Audit* . . . .38-41
*Payment Order* .42
*Approval by Judge* .43-44
*Lapse of Order* . .45
*Lapsed Deposits* . .46
*Miscellaneous Refunds* 47-49
*Payments by Cashier* .50

### Application for Payment.

37. Persons desiring to draw money deposited in Court and payable to them shall submit to the chief minis-

*Cancel* Rule 37, pages 80, 81, Chapter III, as amended by paragraph 1 of Rule No. 7 of 11th March, 1892, and *substitute* therefor the following :—

37. Persons desiring to draw money deposited in Court and payable to them shall submit to the chief ministerial officer of the Court under whose decree or order the money was tendered, an application in Form No. 7, or, in the case of a rent deposit, in Form No. 8. One copy of such form shall be supplied free of charge. In this form the applicant shall enter all particulars necessary for the identification of the credit. If it is intended to withdraw more than a single item of deposit by one application,* the number or date and amount of each deposit must be distinctly stated. (*Rule No. 4 of 15th March, 1898, Civil.*)

* This should be restricted to different deposits made in the same case.

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In Rule 37, page 81, Chapter III, for the words "the Court mentioned in Rule 18" *substitute*—"the Court by which the money is held in deposit." (*Rule No. 7 of 11th March, 1892, Civil.*)

For the addition to Rule 37, Chapter III, at page 81, inserted by Rule No. 14, dated the 23rd September, 1890, *substitute* the following:—

In cases in which Court-fee stamps are purchased by the Nazir from deposits, the final order for the payment of such deposits must contain a direction to the Treasury Officer to pay the amount in stamps to the Nazir of the Judge, to whose credit it was deposited, and to transfer the amount of deposit to Stamp Revenue. (*Rule No. 11 of 31st March, 1892, Civil.*)

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Published in the *Calcutta Gazette* of the 23rd March, 1892, Part 1, page 333, and in the *Assam Gazette* of the 26th idem, Part III, page 234.

*Cancel* the words and figures "Added by Rule No. 14, dated the 23rd September, 1890," at the foot of this page. (*Rule No. 11 of 31st March, 1890.*)

terial officer of the Court mentioned in Rule 18 an application in Form No. 7, or, in the case of a rent deposit, in Form No. 8. One copy of such form shall be supplied free of charge. In this form the applicant shall enter all particulars necessary for the identification of the credit. If it is intended to withdraw more than a single item of deposit by one application the amount of each item and the number of each deposit must be distinctly stated.

If the party entitled to the money does not appear in person the applicant must satisfy the Court that he is duly authorized by an instrument in writing to draw the money for the person so entitled.

The applicant must comply strictly with the terms of the order under which the money is claimed. Thus, one of a number of joint decree-holders cannot be allowed to take out what he calls his share in the decretal amount; they must all join in the application unless there has been an order for distribution.

This note is not intended to prohibit the payment of the entire amount of deposit to one of a number of joint decree-holders or to one of joint land-holders, on the certificate of the Court, under whose orders the money was received, that the amount is payable to him for himself and for all the others whose names should be mentioned. What is intended to be barred is the payment of the amount in driblets to the several decree-holders separately, unless there has been an order for distribution. (*Accountant-General's No. 45 T. M., dated 28th April 1882.*)

See Note to next Rule (38).

* The final order for payment of deposits under Section 14 (*i*) of the Succession Certificate Act (VII of 1889) must contain a direction to the Treasury Officer to pay the amount in stamps to the Nazir of the Judge to whose credit it was deposited, and to transfer the amount of deposit to Stamp Revenue.

Where impounded cattle are sold, if application for the refund of the sale-proceeds be made within three months from the date of sale (*vide* Act I of 1871, Section 17), while the proceeds are held in deposit, the refund can be conveniently made in Form No. 7, the particulars in part I being filled up in the Court. But if the application be made after the proceeds have been transferred to credit of Government, the sanction of Government is required before the refund can be made, and the general form of receipt should be used for such refunds. (*Accountant-General's No. 705, dated 5th November 1881.*)

* Added by Rule No. 14, dated the 23rd September 1890.

A duplicate of the application need not be filed with the record. All that is necessary is that, before passing on the application to the Accountant, the chief ministerial officer will note the order for the payment on the records of the case, so that a second claim for the amount may not be passed. (*Accountant-General's No 93, dated 3rd July 1883*)

### Audit of Application.

38. The chief ministerial officer shall compare the application with the record of the case, and carefully test the validity of the claim. If he finds that the name of the payee has been correctly given, and that there is no objection to the payment of the money on the ground of attachment or otherwise, he shall make enquiry as to the identity of the applicant, and, if satisfied of such identity, shall sign the certificate at the foot of part I of the application, and pass on the application so signed to the Accountant of the Court or group of Courts. Such Accountant shall compare the contents of the application with the Register of Deposit Receipts, and shall satisfy himself that the amount as shown has been received and is still unpaid, and that the name of the claimant corresponds with the name of the payee entered in the Register, and that no order for the attachment of the money is in force.

If the deposit has been transferred to an Account Particulars (Rules 91, 92), such Account Particulars shall be deemed to be the Register of Deposit Receipts within the meaning of this and the next four rules.

In passing on the application to the Accountant, the chief ministerial officer will of course note the order on the records of the case so that a second claim for the amount may not be passed. Thus the records will be complete and no duplicate application will need to be filed with them. (*Accountant-General's No 101, dated 26th April 1881*)

39[1] If the record of the case has been despatched to the record-room of the District Judge, under the orders of the High Court relating to the periodical despatch of

[1] Inserted by Rule No 2 of 16th January 1882.

In Rule 39, page 83, *strike* out the words from "the application" in the second line, to the words "In the latter event" in the fourth line. Also *strike* out the whole of the last two sentences of the rule commencing with the words "If the application" and *substitute*—"The fact of the issue of the payment-order shall in every case be communicated to the District Judge, in order that the necessary entry may be made in the record itself under his signature."

Also *cancel* the NOTE at the foot of this rule. (*Rule No. 7 of 11th March, 1892, Civil.*)

*Cancel* Rule 40, pages 83, 84, *ibid*, and the note thereto and *substitute* therefor the following :—

40. Whenever, after despatch of the record of a case to the District Record-room, any subordinate Court passes an order for the attachment of money in deposit in the case, intimation thereof shall be forthwith sent to the District Judge. The District Judge shall thereupon cause such information to be noted in the Order-Sheet of the case under the signature of the Record-keeper and under his countersignature. (*Rule No. 4 of 15th March, 1898, Civil.*)

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Published in the *Calcutta Gazette* of the 23rd February, 1898, Part I, pages 218 and 219, and in the *Assam Gazette* of the 5th March, 1898, Part III, pages 285 and 286.

records by Subordinate Judicial Officers,* the application for payment may be made either to the District Judge or to the Court in which the deposit is held. In the latter event, the presiding officer shall forward the application to the District Judge, whose record-keeper will certify, under countersignature of that officer, that a specified sum of money is due to the applicant. Such certificate, on being received by the subordinate Court, shall then be treated as if it were a certificate granted by the chief ministerial officer of such Court, as provided in Rule 38. If the application be made to the District Judge direct, he shall, after satisfying himself that the sum claimed is in deposit in the manner stated and that the applicant is entitled to receive payment, order payment to be made from the District Treasury, and he shall also notify the same to the Lower Court, so that the proper entry may be made in the Deposit Register. Payment shall in every case be entered on the record itself under the signature of the District Judge.

*See Rule I, sub-rules 31-37, Chap. IV.

NOTE.—The latter portion of this rule, from the words "If the application" to the end, is not applicable in the case of minor districts* in which there is no resident District Judge. In these districts it will be necessary to follow the procedure laid down in Rule 38, and call for the records of the case. (*Accountant-General's No. 1094 T.-M., dated 4th April 1882.*)

* Such as—

1. Balasore.
2. Bogra.
3. Chumparun.
4. Howrah.
5. Julpigoree.
6. Khoolna.
7. Maldah.
8. Monghyr.
9. Pooree.

40.[1] Whenever, after despatch of the record of a case to the District Record-room, any subordinate Court passes an order for the attachment of money in deposit in the case, intimation thereof shall be forthwith sent to the District Judge, together with a copy of the entries made in the Account Registers of the subordinate Court

[1] Inserted by Rule No. 3 of 27th April 1887.

under Rule 72 of these Rules. The District Judge shall thereupon cause such information to be noted in the Order Sheet of the case as well as in the District Account Registers.

41. If the application for payment is found to be incorrect or defective, the accountant shall note the error or defect, and return it to the applicant for correction by him, or for reference by the applicant to the Court.

**Payment Order and Registry.**

42. If the application is found to be correct, and the deposit has not lapsed, the accountant shall fill up the second part of the application form, post the transaction in the Register of Payment Orders (Form No. 13), numbered with its proper index number, and make the requisite entry in the Register of Deposit Receipts. Finally, the application, with the Register of Payment Orders, and the Register of Deposit Receipts, shall be laid before the Judge in charge.

**Approval by Judge in charge.**

43. Before passing the application for payment, the Judge in-charge is required to satisfy himself, in the first instance, that the requirements of Rule 38 have been complied with. He shall further satisfy himself by personal inspection of his Register of Deposits that the balance at credit of the particular deposit is sufficient to meet the repayment, and that no order for the attachment of the money has been noted. If the result of his scrutiny is satisfactory, he may sign the order for payment of the amount either from the local Treasury or from his Court, as prescribed above in Rules 9 to 12, and shall attest with his initials the note of the order of repayment made in the Register of Deposit Receipts. He shall also initial the entries in the Register of Payment Orders

(Form No. 13). The payment order shall then be made over to the applicant for presentation to the cashier if the money is to be paid in Court, or to the Treasury Officer, if to be paid by such officer.

44. When the money sought to be drawn out of Court is in deposit, not in the Court to which the application is made, but in another Court, as for example, where two or more Courts at one station are combined for the purposes of accounts, in every such case the duty of the Court to which the application is made shall be merely to receive such application and forward it to the Court of the Judge in charge, with a certificate, made after examination of the record, that the applicant is the proper party to receive payment of the amount claimed. In any case in which the amount has been transferred from the credit of the original payee to that of the claimant, this fact should be stated. This certificate shall be compared with the Deposit Register in the office of the Judge in charge. Such Register, if the sum is shown therein to be in deposit, will inform the Judge whether there is any bar to payment. If there is no such bar, the Payment Order may be issued by the Judge in charge, and the fact of its issue shall be communicated to the subordinate Court, in order to enable it to enter satisfaction for the amount upon the record of the case.

The subordinate Courts referred to in Rule 44 are those which do not keep their own accounts. Advices of the payment of deposits belonging to the Courts at a sub-division or out-station should be issued by the Court of the senior officer keeping the accounts. (*Accountant-General's No. 141A, dated 26th April 1881.*)

The certificate should be given on the Payment Order, that is to say, in the tripartite Form No. 7, at foot of Part I, in the place intended for it: and in recording the payments in the Register of Repayments, particulars may be entered as to the Court under whose orders the payments have been made. (*Accountant-General's No. 311T.-B., dated 5th September 1881, read with his No. 42T. M., dated 28th April 1882.*)

### Lapse of Order.

45. (*a*) An order for payment from the local Treasury is valid for ten days only, and may not be cashed after the expiry of ten clear days subsequent to the date thereof. An order which has not been paid within ten days as aforesaid may be presented to the Court which issued it, and such court may re-enface thereupon a new Payment Order, which shall remain valid for ten clear days immediately after the date thereof. When the last day of any such period of ten days is a day on which the Treasury is closed, the order may be cashed on the day on which such Treasury re-opens.

NOTE.—An order for payment from the *local Treasury* may be cashed within 10 days from date of issue; but an order for payment of money at the Court should be restricted in its operation to the day of issue. And when money is to be immediately paid the order of payment should be issued on the Cashier of the Court (*vide Accountant-General's No. 452, dated 9th August 1882*).

(*b*)*. When such order as aforesaid is for a sum exceeding R100, it should be included in a "Daily Advice List," in Form No. 28 to be issued by the Court making the order to the local treasury where the cheque is to be paid.

(*c*) When the treasury accounts are closed on the 31st day of March in each year, every order for payment issued on or before that date shall lapse absolutely; and Treasury Officers are forbidden to cash after the 31st March orders issued on or before that date. An order which has lapsed under this clause cannot be renewed, but a new order may be obtained upon delivering up the old order and making a fresh application under Rule 37.

Judges should warn persons who apply for orders at the end of March of the effect of this rule, and tell them to wait till April

* Added by Rule No. 3 of the 23rd February 1886.

1st, unless they mean to cash immediately any order that they may obtain.

(*d*) Immediately after the 31st day of March in each year the Judge in charge shall ascertain what payment orders issued on or before that date are still uncashed, and shall mark them off under his initial in the Registers (1) of Payment Orders, and (2) of Deposit Receipts, as "cancelled under Rule 45 (*b*)."

### Lapsed Deposits.

46. When an application is made to draw money at credit under a deposit which has lapsed under Rule 98, but the payment of which is otherwise unobjectionable, the accountant shall prepare a special form of application (Form 9), which, when passed by the Judge in charge after the examination prescribed by Rule 43, shall be dealt with under Rule 101.

### Miscellaneous Refunds.

47. When an application is made for the refund of a fine or a miscellaneous receipt (heads (*b*) to (*f*) of Rule 5), the Payment Order shall be prepared by the accountant in Form 10 after checking the application by a reference to the Fine Register or Miscellaneous Receipt Register (Rule 105); and the Judge in charge, at the time of passing the refund order, shall note the re-payment against the entry of the receipt in such Register. The payment order shall also be noted in the Register of Payment Orders (Form 13) and initialled by the Judge in charge.

In any exceptional case in which the "paper to which the Court-fee stamps are affixed" has been destroyed under the Rules for the Destruction of Records,* the Court authorizing the payment should satisfy itself that the amount claimed is due, and record the order for refund on the application, which may be filed. In cases of this nature it is objectionable to record a copy of the Refund Order in Form No. 12, for it is an order upon the Treasury, and there is risk of its being presented for payment. (*Accountant-General's No. 561, dated 31st August 1881.*)

* See Chapter IV, Rule I, Sub-rules 40-43.

48. Application for the refund of the value of Court-fee stamps is to be made to the chief ministerial officer, who shall compare the application with the record, and if he finds that a refund is due shall draft and sign an order on the back of the paper to which the Court-fee stamps are affixed. The papers must then be passed on to the accountant, who shall prepare a Payment Order in Form No. 11 or 12, as the case may require, and shall enter the particulars in the Register of Payment Orders. The application with the other papers and the Register shall then be laid before the Judicial Officer, who, if satisfied that the proceedings are in order, may sign the order of refund on the back of the stamped paper and the Payment Order, and initial the entry in the Register. The Payment Order shall then be made over to the applicant for presentation at the treasury, or, if the amount do not exceed Rs. 5, to the cashier of the Court.

Petty refunds of the value of Court-fees may be paid out of cash in the Court on vouchers in Form 12 and charged in the Cash-book.

The procedure here laid down is for the refund of Court-fee stamps when application for such refund is made to a Court which keeps its own accounts (see Rule 44). (*Accountant-General's No. 324, dated 16th June 1881.*)

Where there are two or more Civil Courts at one station the Judge in charge, *i.e.*, the officer in whose Court the combined accounts of all the Courts at the station are kept, should sign the Refund Order. (*Accountant-General's No. 155A., dated 30th April 1881.*)

The Payment Order should be registered in Form No. 13, and the Judge should initial that Register. (*Accountant-General's No. 327, dated 17th June 1881*, also note on Rule 65.)

49. In so far as concerns the accounts system, it is invariably necessary to trace each item of payment under the Court's orders back to its corresponding item of receipt; in other words, to connect each item of a Court's debit in the treasury with the corresponding item of credit, however far in time the two may be separated

from each other. Accordingly the Court must take care to furnish itself and the Treasury with the necessary particulars for this purpose.

### Payments by Cashier.

50. In the case of Payment Orders directed to the cashier, the payment must be entered by the cashier in the General Cash-book, the Payment Order being retained by the cashier as his voucher.

The Cashier should cancel the vouchers, as soon as he pays them, by writing on the face "Paid" with his initials. A "Paid" stamp should not be used, as that indicates the subsequent discharge at the Treasury.

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## SECTION IV.

### SETTLEMENT IN COURT.

*Simultaneous Receipt and Payment* . . . . . 51 | *Compensation to Plaintiff* . . . . . 52-53

### Simultaneous Receipt and Payment.

51. When payer and payee are both before the Court, the receipt and payment may be made, as provided in Rule 8 above, by the money being passed directly between the parties, a note of the transaction being entered on the record of the case. Such transactions are not to appear in the Court's accounts at all. Payment of compensation to plaintiffs must not be made under this rule; such transactions must pass through the books, as directed in the following rule:—

The procedure laid down in the above rule may be applied by a Criminal Court in cases of the award of compensation to the accused under Section 250 of the Criminal Procedure Code, or of the refund of fees by the accused to complainants under Section 31 of Act VII of 1870.

**Payment of Compensation to Plaintiffs in presence of the Accused.**

52. The application of the plaintiff in Form 10, and the Chalan for the fine paid in by the accused, shall be drawn up and passed through the books in the ordinary way, and the receipt and payment are to be made independently of each other.[1] The order on the Chalan shall, however, be signed by the Judicial Officer, and shall be an order to the Court Inspector to receive the amount; and the order on the application (Form 10) shall be an order also directed to that officer to pay, but must contain the words "after the amount has been realized from A.B."

53. In cases dealt with under the last rule one copy of the Chalan shall be returned to the payer, duly endorsed with the certificate of the Court Inspector's transfer of the money, and the payment order, duly receipted, shall be retained in the custody of the Court. The remaining copy of the Chalan with the Court Inspector's certificate endorsed thereon shall be filed with the record of the case.[2]

## SECTION V.

### ACCOUNT-KEEPING AND REMITTANCE TO TREASURY.

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*Rules regarding Remittances* . . . . . 62-64
*Treasury Advice List* . 65-66
*Comparison by Judge* . 67-68

**Courts near Treasuries.**

54. In courts situated within daily reach of a Treasury, the accountant shall, after the close of business each day,

[1] The entry in the Register of Fines must be made at the time of the transaction, and not at the end of business.

[2] Revised by Rule No 14, dated 23rd September 1890.

make the proper entries in the Treasury Pass Book (Form 14), showing in detail the sums received from and paid to the public in cash. The receipts shall be entered on the right-hand side, and are to consist of the sums entered in column 5 of the Register of Chalans (Form No. 2) headed "Amount received in Court." The payments shall be entered on the left-hand side, and are to consist of the sums shown in column 5 of the Register of Payment Orders (Form No. 13) headed "Amount paid in Court."

* The remittances to the Treasury at the close of each day, as well as the particulars of each payment to the public, must be entered in column 3 of the form of Pass-book No. 14. To facilitate the calculation of the amount to be remitted to the Treasury at the close of each day's business, two lines are provided in the form, one to show the total of receipts and payments at the Court, and the other, the total for the day according to the receipt and payment sides. The receipts and payments at the Court being first entered and added up, the difference between the total of receipts and that of payments will, if the receipts exceed the payments, be entered on the left side as remittance to the Treasury, or, if the payments exceed the receipts, on the right side as remittance from the Treasury. The total for the day will then be made up for both sides which will agree together. The number of the Chalan or Payment Order, on the back of which the amount to be remitted to, or received from, the Treasury is noted, may be shown against the entry made below the total of payments or receipts, but the head of account need not be noted in the Pass-book against the entries, nor need the entries be initialled by the Treasury Officer.

55. Every Chalan and Payment Order for money received or paid at Court under heads (*a*) to (*f*) shall be shown in detail in the Pass-book, and the head of account shall be noted against each, so as to enable the Treasury Officer to bring the transactions in detail upon his books, and classify them correctly.

It is necessary to show in the Pass-book the totals only of each Chalan and Payment Order. Each Chalan may contain any

* (Inserted by Rule No. 8 of 28th July 1884.)

number of items, provided they belong to the same head of account.

### Examination by Judge in charge.

56. The Judge in charge shall examine the accounts by comparing (1) the Registers of Chalans and Payment Orders (amounts received and paid in court) with the cashier's General Cash-book; (2) the Treasury Pass-book, with both; and (3) the balances shown in the Peremptory Cash-book, with those shown in the General Abstract Cash-book.

### Daily Remittance.

57.* The balances of the cashier's account in respect of Diet Money should be observed every day in passing the General Cash-book. To prevent excessive accumulations under this head the Judge in charge should transfer to deposits such portions of the balance as he may consider advisable. Amounts so transferred shall be treated in the same manner as money received in Court and entered in the cashier's General Cash-book both on the Credit and Debit sides. Should the money be subsequently required, it shall be withdrawn from deposits in the manner described above, and credited in the Peremptory Cash-book. If such sums remain in deposit for three years they must be carried to credit of Government under Rule 98, relating to Lapsed Deposits.

58. Having initialled the accounts of the day and signed the Cash-book, the Judge in charge shall send the Pass-book to the Treasury, together with the net amount in cash and all the Chalans and Payment Orders. This remittance must be entered in the Cash-book as a payment of the day upon which it is made.

It is important that this be done before the business of the new day commences, and the cashier should have in hand, after each such remittance, only the balance of the peremptory cash transactions and the other balances referred to in Rule 36.

* Amended by Rule No. 15 of 5th November 1890.

In the second line of Rule 57, Chapter III at page 92, after the words "Diet Money" *insert* the words—"and other peremptory receipts."—(*Rule No. 5 of 23rd March, 1898, Civil.*)

To the words "Peremptory Cash-book" in Rule 57 at page 92, add the following note :—

As District Magistrates do not maintain Peremptory Cash-books, these withdrawals should be credited by them in their General Cash-books. (*Rule No. 5 of 2nd June, 1892.*)

*Insert* the following as a note to the word "Treasury" in the third line of Rule 58 *ibid*, page 92 :—

*Or to a Branch Bank, *vide* Rule 62. (*H. C. Progs., February, 1893 No. 243, Civil.*)

The total of Chalans of the day for money received in cash by the Court, minus the total of Payment Orders cashed at the Court, will represent the balance of cash to be remitted to the Treasury. The amount so remitted will be noted on the back of the last Chalan entered in the Pass-book (Form No. 14), in order to avoid the separate Chalan which otherwise would be required by the Treasury Officer.

### Courts not near Treasuries.

59. At out-stations the Cash-book shall be balanced as prescribed above, and the balances, both that of the receipts and payments under heads (*a*) to (*f*), and that of peremptory transactions, shall be carried forward to the next day's account. The accounts shall be balanced, compared, and signed every day in the manner prescribed in Rule 56, save that, instead of comparing the Treasury Pass-book with the accounts, the Judge in charge shall see that the Court balances are brought forward, and shall at least once a week ascertain that the money is actually in possession of the cashier.

### Periodical Remittance.

60. On the last day of the month, and from time to time as provided by Rule 13, the Treasury Pass-book shall be made up, showing all receipts and payments at the Court since the last remittance to the Treasury. Its accuracy having been tested, it shall be forwarded to the Treasury with all Chalans and Payment Orders. If the receipts have exceeded the payments the cash excess shall be sent to the Treasury; if the contrary, the cash deficit shall be received from the Treasury: in either case the cashier will have, after the completion of the transaction, in addition to the balance of peremptory cash transactions, only the Permanent Advance allowed to the Court for carrying on its payments at a distance from the Treasury.

### Adjustment with Treasury.

61. The last day for remittance in each month must be so fixed that the final payment or receipt of money at the Treasury may just come within the month's accounts at the Treasury or Sub-treasury (see Rule 74), as otherwise the monthly accounts of the Judge in charge and those of the Treasury will not agree. Any transactions at the Court after this remittance is made, although shown under their proper dates, should be treated as if they belonged to the ensuing month's accounts, registers, and returns.

### Rules regarding Remittances.

62. It is the duty of the Judge in charge to see that money remitted from his Court actually reaches the Treasury, and is acknowledged by the Treasury Officer in the Pass-book.

63. In making such remittances, the Police Rules as to sending an escort with the money must be duly observed.

64. During the absence on tour of Sub-divisional Officers, and the consequent closing of their Treasuries, Munsifs must be guided by the preceding rules applicable to officers at stations where there are no Treasuries, and must make remittances of surplus cash, if necessary, to the District Treasury. They will take advantage of the periodical return of Sub-divisional Officers to headquarters to reduce the cash balances in their hands as much as possible, due regard being had to their probable requirements.

### Treasury Advice List.

65. At the close of business each day the Treasury Officer, whether Sudder or Sub-divisional, shall prepare Advice Lists, in form No. 15, of all such Chalans and

*Insert* the following as a note to Rule 62 *ibid*, page 94:—

NOTE.—Where the Court remits to a Branch Bank direct, the Agent of the Branch Bank should acknowledge the receipt of the remittance in the Pass Book. (*H. C. Progs., February, 1893, No. 243, Civil.*)

In the seventh line of Rule 65 in the same Chapter, at page 95, between the word—"respectively" and the words—"in these lists" insert the following words—"together with the Chalans referred to in clause (*b*) of Rule 28".—(*Rule No. 10 of 26th November 1901, Civil.*)

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Payment Orders of each Judge in charge as have been brought upon the Treasury accounts in the course of the day, and shall forward them to such Judges in charge respectively. In these lists shall be entered in detail such Chalans and Payment Orders as have been received or paid at the Treasury or Sub-treasury in cash while those brought into the Treasury account from the Pass-book (Rule 58) shall be included in a single total on each side, with the description "as per your Pass-book dated——."

After receipt of the Treasury Advice List, the Payment Order should be registered by the Judge in charge in Form No. 24. (*Accountant-General's No 327, dated 17th June 1881.*)

If the District Magistrate's Court is close to the Treasury so that the Magistrate's registers referred to in Rule 67 can be sent daily to be compared and initialled by the Treasury Officer, this procedure may be adopted in lieu of the Daily Advice List, if found more convenient.

66. The list prepared at the Sudder Treasury for the District Judge shall include, besides the moneys received and paid on account of the Judge's own Court, those transactions also which belong to his subordinate Courts. These amounts, however, need not be entered in detail, but may be included in a single total of receipts and of payments for each Court, including Pass-book transactions brought into account.

### Comparison by Judge.

67. On receipt of this Advice List the Judge in charge shall cause the particulars of the Chalans and Payment Orders shown in it to be compared with the details recorded in his Registers of Chalans and Payment Orders (Forms 2 and 13), and shall further cause the date of actual credit and payment, as certified by the Treasury Officer, to be entered in the column prescribed for that purpose.

68. These entries must be initialled by the Judge in

charge when he checks the posting in the Deposit Registers, as prescribed in Rule 71 below.

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## SECTION VI.

### DEPOSIT REGISTERS.

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**Separation of Petty Deposits.**

69. Two Registers of Deposit Receipts shall be kept in Form No. 16, and two of Deposit Repayments in Form No. 17. One of these shall be termed the Register of A Deposits, and there shall be entered therein all deposits originally exceeding ₹5. The other shall be termed the Register of B Deposits, and there shall be entered therein all deposits not originally exceeding ₹5. Both Registers shall be kept in the same form and shall be posted in the same manner, but with separate series of numbers (see next rule), distinguished by the initial letters A and B, respectively.

**Posting.***

70. As soon as the Treasury Advice List is received (Rule 65), the Deposit Register will be posted in the following manner for the date to which it refers. In the first place all cash transactions in Court on that date shall be posted, the receipts being copied from the Register of Chalans (column 5), and the payments from the Register of Payment Orders (column 5). Transactions at the Treasury shall then be written up from the Advice List, the entries in this list being compared with those in Registers 2 and 13.

* The date of granting the payment order should be entered in the repayment columns in the Register of Deposit Receipts and the date of actual payment in column 4 of the Registers of Deposits, Repaid (G. L. No. 3 of 5th May 1888).

### Registers of Receipts.

71. All items of deposit in these Registers must, as directed above, be numbered in an annual consecutive series of numbers commencing on 1st April, and ending with the last day of March in each official year. Only the first eight columns shall be filled in at first, the other columns being intended for the record of subsequent repayments.

### Notes of Claims, &c.

72. As it is important that the Deposit Registers in the Accountant's department should set forth in respect of each item all information necessary in order to deal at once with applications to draw money, all attachment processes and transfer orders relating to decrees, and all orders as to the substitution of parties which affect decretal and other moneys in deposit shall be noted at the time in the Deposit Register. The Sarrishtadar or some other specified subordinate under his supervision shall be made responsible for this duty.

Whether the Sarrishtadar's responsibility is or is not to end with the communication to the Accountant or Accountant's mohurir is a matter left to the discretion of each Court, but some specific order should be recorded.

### Registers of Repayments.

73. The Registers of Deposit Repayments (Form 17) shall be posted from the Treasury Advice List and the Payment Order Registers, as directed above.

### Closing for the Month.

74. The Registers of Deposit Receipts and Deposit Repayments in Courts at a sudder station shall be totalled and closed on the last day of each month upon which the Sudder Treasury remains open, and in sub-divisional

stations on the day on which the accounts of the Sub-divisional Treasury are finally closed for the month in such a way that the period and the transactions included in the Court's books and returns may correspond exactly with those included in the Treasury books and returns.

Care must be taken to make the final remittance to the Treasury in such time that it may be entered in the accounts of the Treasury for the month to which it belongs.

In each of the Registers of Deposit Receipts prescribed by Rule 69, a plus and minus memorandum must be drawn up at the end of the month's entries in the following form :—

| | ℟ |
|---|---|
| Balance of Deposits from last month . | |
| Received during the month, as per Register | |
| | ₳ |
| TOTAL . | |
| Repayment, as per Register . . . | |
| BALANCE OF DEPOSITS AT END OF MONTH . . | |

## SECTION VII.

### CONTROL OVER SUBORDINATE COURTS.

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*Examination by District Judge* . . 85
*Posting Receipts* . 86-87

### Responsibility.

75. Every Judge is responsible for all payments of deposits made on his certificate or under his orders. In

the case of receipts and payments of petty or B Deposits no detailed check is exercised over his proceedings, the accounts which he is required to render of these showing totals only. In the case of A deposits, however, all sums received, and not paid out during the month in which they have been received, and the balance of such of these deposits as have been partly paid out, must be reported to the District Judge, and must be included in that officer's accounts, and in his return to the Accountant-General.

If the District Judge, who is the Judge in charge for the Courts at the sudder station, thinks it absolutely necessary, he may delegate the duty of passing Chalans to the chief ministerial officer of his Court, and place a Subordinate Judge in charge of accounts, in the same way as a Deputy Collector is placed in charge of a Treasury; but on the distinct understanding that the District Judge will not be relieved of the responsibility for the due accounting of all money received and paid. All returns will be signed by District Judge. (*Accontant-General's No. 141A., dated 26th April 1881*)

### Daily Return of Subordinate Courts.

76. Every day after the Treasury Advice has been received, and the Deposit and other Registers have been written up and checked with it, two statements showing the transactions of the date to which it refers shall be pepared by the Judge in charge and forwarded to the District Judge. The first of these statements (Form No. 18) shall show the total amount of the entries in the Deposit Registers and the totals of all other transactions brought on the Registers (see Rules 111, 112). The second shall be an extract from Part I of the Register of Deposits Repaid (Form 17), giving the particulars of repayments on account of deposits received during previous months. At the foot of the first statement the Judge in charge shall certify that his Registers of B Deposits are written up to date and are in order.

It will be observed that these returns are intended to exhibit *actual* receipts and payments, and that they are therefore to be compiled from the Deposit Register, and not from the Registers of Chalans and Payment Orders.

The subordinate Courts referred to in Rules 75 and 76 are those which keep their own accounts and the accounts of other Courts as well (*vide* Rule 41. *Accountant-General's No. 141A., dated 26th April 1881.*)

The advices of the payments of deposits appertaining to the subordinate Courts at the sudder station should be issued from the District Judge's Court. (*Accountant-General's No. 141A., dated 26th April 1881.*)

This certificate is not required from Small Cause Court Judges, as they are not subordinate to District Judges in the matter of accounts. (*Accountant-General's No. 279, dated 4th June 1881.*)

77. At out-stations some delay in submitting the daily returns is unavoidable, but this delay should not exceed the time necessary for the Treasury Advice List to reach the Court. The date on which the returns are actually signed should be noted on them by the Judge in charge.

**Verification by Judge in charge.**

78. At the time of signing the returns, the Judge in charge should have before him the Registers of Chalans and Payment Orders, the Registers of Receipts and Payments of Deposits, and the Treasury Advice List; and after comparison he should attest the entries in column 8 of Registers 2 and 13 by placing his initials in column 9, and the entries in the Registers of Deposit Receipts and Payments by placing his initials in columns 7 and 13, respectively.

**Examination by District Judge.**

79. The statements furnished by the Subordinate Courts shall, when received in the District Judge's office, be compared with the corresponding Advice List supplied to him by the Treasury Officers, under Rule 66. In the case of out-stations, the totals for the whole month supplied by the Judge in charge must agree with the totals for the whole month supplied by the Treasury

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Officer, if only attention have been paid to the rules regarding periodical remittances. In the course of the month the former totals will ordinarily exceed the latter, and the difference must be taken to represent cash transactions advised by the Court, but not yet brought on the Treasury books. In the case of Courts near Treasuries, no such discrepancies should occur if the rules are properly observed. When any such are noticed, immediate steps must be taken under the District Judge's orders to reconcile them.

**Judge's Register of Totals.**

80. After examination, the totals of Deposits received and paid shall be posted into a Register to be kept by the District Judge in Form No. 19. This Register contains two sets of columns, one set relating to A Deposits, and the other to B Deposits. Separate portions of the Register for the month must be allotted to each subordinate Court, that is, for each subordinate Court a number of pages, according to the probable work, must be assigned in the leaves devoted to that particular month. The entries in respect of each subordinate Court will thus come continuously and in order of date, and they must be totalled at the end of the month.

81. In the portion of the Register which relates to B Deposits, a column has been provided for a daily balance, which must be struck by adding together the preceding day's balance and receipts, and deducting the payments. The object of the daily balance is to afford the District Judge a ready means of controlling subordinate Courts in the receipt and payment of small Deposits, as any excess of payments over receipts will be at once detected.

**Posting Repayments of A Deposits.**

82. Taking up next the detailed Daily Register of Deposits Repaid (Form No. 17), the repayments must be

posted against the corresponding entries in the Judge's Daily Register of Deposits Received (Form No. 16), and must be initialled by the District Judge, or under his orders by the chief ministerial officer of his Court, in the same manner as repayments authorized by himself. They must also, at the same time, be copied into his Register of Deposit Repayments (Form No. 17).

As each payment is noted in the Judge's Register, the district number (Rule 86) against which the payment is charged must be noted in the subordinate Court's return.

In noting the repayments care should be taken to see that the amounts thus reported as repaid are actually repayable, and that amounts which should be credited to Government are not repaid to individuals.

**Monthly Return.**

83. (*a*) At the end of the month there shall be furnished by the subordinate Courts to the District Judge a statement of all A Deposits received, but not wholly repaid during the month. This statement will be an extract from the Register of Deposit Receipts (Form No. 16), omitting the items which have been wholly repaid during the same month. Of Deposits received and partially repaid in the same month the unpaid balance only is to be shown in this statement. The dates of despatch from the subordinate Court and of receipt by the District Court shall be noted on this statement.

*Explanation.*—An A Deposit, the balance of which has been reduced below Rs. 5 by a payment made in the same month, is to be included among the A, and not among the B Deposits.

(*b*) On the 31st March of each year the subordinate Courts shall, in addition, submit to the District Court a certificate that all uncashed orders to be cancelled under Rule 45 (*b*) have been marked off in their Registers.

In Rule 84, Chapter III, page 103, for the words—

"Amount of B deposits repaid during the month ."

*Substitute*

Amount repaid during the month—

Of B deposits received in 189 -9 .

Ditto 189 -9 .

And insert the following note,—

"The repayments of B deposits received in the year of account and in the year next preceding should be shown separately." ***(Rule No. 4, dated 11th August, 1893, Civil.)***

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Published in the *Calcutta Gazette* of the 2nd August, 1893, Part I, page 679, and in the *Assam Gazette* of the 5th idem, Part I, page 947.

### Plus and Minus Memorandum.

84. There shall be appended to the monthly statement of Deposit receipts a plus and minus memorandum in the following form:—

| | | R |
|---|---|---|
| Balance of last month | | |
| Amount of A Deposits received during the month. | Repaid during the month | |
| | Not repaid ditto | |
| Amount of B Deposits received during the month | | |
| | TOTAL | |
| Amount of A Deposits repaid during the month. | Received during the month | |
| | Received during previous month | |
| Amount of B Deposits repaid during the month | | |
| | BALANCE OF DEPOSITS OUTSTANDING | |

CERTIFICATE.

Certified that on a comparison of Treasury Advices with postings therefrom in the Registers of Chalans, of Payment Orders, of Deposit Receipts, and of Repayments,* the amounts entered above as received and paid are correct.

The certificate is not required from Small Cause Court Judges, who are not subordinate to District Judges in matters of account. (*Accountant-General's No. 279, dated 4th June 1881.*)

### Examination by District Judge.

85. On receipt of the monthly statement and the plus and minus memorandum, the Register (Form No. 19) shall be compared therewith. First, as regards A Deposits, the total of the column headed "Repaid on account of current month" should agree with the amount shown in the plus and minus memorandum; and when this amount is deducted from the total of the column headed "Total amount received," the balance ought to agree

* Amended by *Accountant-General's No. 490, dated 2nd September 1882.*

exactly with the total of the Statement of outstanding A Deposits received from the Court to which the figures relate. Second, as regards B Deposits, the balance itself can be tested in detail only once a year, when the yearly statement under Rule 95 is received; but every month the difference between the opening and the closing balance should be equal to the difference between the receipts and payments reported in the plus and minus memorandum.

**Posting Receipts of A Deposits.**

86. * The subordinate Courts' monthly detailed statement of A deposits received shall be attached by the District Judge to his own Register of Deposits received, after he has closed the accounts of the Civil Courts at the sudder station. The District Judge will also number the deposits in the subordinate Courts' return in continuation of his own series.

The Judge should examine the receipts, so as to see that no item has been improperly held in deposit; and if he finds amounts so held which should be credited to Government he should direct the subordinate Court accordingly.

87. The District Judge's Registers of Deposits exceeding R5 received and repaid thus include each month not only those of his own Court, but also of all subordinate Courts, excepting only the sums received and repaid in such Courts during the same month.

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## SECTION VIII.

### DISTRICT MONTHLY RETURNS.

*Deposits received* . . . 88 | *Plus and Minus Memo.* . . 90
*Deposits repaid* . . . 89

**Returns of Deposits Received.**

88. On the 12th of each month an Extract Register of Deposit Receipts exceeding R5 shall be prepared by

* Substituted by Rule No 12 of 1st June 1885.

the District Judge in Form No. 20, and forwarded to the Treasury Officer for transmission, after a comparison with his cash accounts, to the Accountant General. This Extract Register will be a copy of the entries made during the month in his Register (Form No. 16), and will contain all such items of more than ₹5 each as were deposited in his own Court and in Courts subordinate to him, omitting all those which were wholly repaid during the month, and showing, in the case of those partially repaid during the month, the unpaid balance only. At the foot of this Register deposits received and repaid during the month, and deposits received for sums of ₹5 each and less, are to be shown in totals without details. This Extract Register should be despatched punctually on the 12th of the month, unless in the case of the larger districts a later date is fixed.

**Returns of Deposits Repaid.**

89. A monthly extract from his Register of Deposit Payments (Form No. 17) of sums above ₹5 shall be forwarded in the same form by the Judge to the Treasury Officer for transmission, after comparison with his lists of payments, to the Accountant General. The District Judge shall include in this extract (1) the details of repayments on account of deposits of previous months, whether made in his own Court or entered by him from the statements of subordinate Courts (Rule 81); (2) a single total of the repayments of the current month's deposits, whether made at the district or subordinate Court, which must agree with the total of receipts on the same account; (3) the total of the repayments on account of deposits of ₹5 and less.

**Plus and Minus Memorandum.**

90. A plus and minus memorandum in the form

prescribed in Rule 84, but including the figures of the subordinate Courts, as well as those of the District Judge's own Court, shall be appended to the Statement of Deposit Receipts.

This plus and minus memorandum is to show as repayments the actual repayments at the Treasury, and is further to show the Treasury balance outstanding.

It will be found convenient to keep in a separate register a copy of this plus and minus memorandum, with further memoranda of the details from which the figures have been arrived at. It is important that there should be no difficulty at any time in reconciling the figures of the Court with those of the Treasury.

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## SECTION IX.

### ANNUAL ACCOUNT PARTICULARS.

*Account Particulars* . 91-92
*Subordinate Courts* . 93
*District Judge* . . . 94
*Verification of Petty Deposit Balance* . 95-97

#### Account Particulars.

91. At the end of each year the Registers of A deposits received in the next preceding year shall be closed by transcribing into the last column, headed "Transferred to Account Particulars," every balance which exceeds R5. An annual Account Particulars shall then be drawn up in Form No. 27 showing all these balances against their original numbers—showing, in other words, all the unpaid balances of A deposits of the preceding account year next but one. For example, the Account Particulars of April 1880 will show all unpaid balances of A deposits received in 1878-79.

Of balances which do not exceed R5 a separate list shall be made out under Rule 98 below.

In Sections IX and X and in the '*List of Returns*" of the Account Rules, Chapter III, at pages 106 to 110 and 147, 148, for the words—"Account Particulars," wherever they occur, *substitute* the words—"Clearance Register".—(*H. C. Progs., February 1893, No. 407, Civil.*)

Clearance Registe

*Cancel* the instructions given at the end of Rule 91 at page 107, Chapter III. (*Slips for July 1891.*)

Clearance Registe

The changes necessary to adapt Form No. 20 for use as an Account Particulars are as follow:—

*Account Particulars of Deposits received by the of in 187 7 , still outstanding on 1st April 187*

In column 6, for *amount* substitute *balance of each deposit.*

In column 7, for *in the year of receipt* substitute *in the second year after receipt;* for *in the following year* substitute *in the third year after receipt.*

In the last column, for *transferred to Account Particulars* substitute *lapsed and credited to Government.*

92. The items in this account having been carefully compared with the corresponding balances in the original Register of Deposits Received (Form No. 16), the last-named document shall be laid aside, and future repayments recorded only on the Account Particulars.

If against any of the items transferred to Account Particulars a repayment order has been issued and cancelled under Rule 45 (*b*), a note to that effect must be made in the Account Particulars, so that, if application for repayment is again made, an order may not be issued without recalling the original cancelled one.

**Return by Subordinate Courts.**

93. A copy of the Account Particulars shall be sent by the subordinate Courts to the District Judge, and by him carefully compared with the entries in his Register of Receipts. Any discrepancies found must be investigated and corrected.

**Return by District Judge.**

94. The Account Particulars of the District Judge necessarily includes the items in the several Account Particulars of the subordinate Courts, and a copy of it shall be sent to the Accountant General. The due date for its despatch shall be the 30th April, by which time the Judge should have received and compared the Account Particulars of his Subordinate Courts.

### Verification of Petty Deposit Balance.

95. In order to verify the Balance of B Deposits each Court shall make a list of the unpaid balances of receipts of the past twelve months, and, by actual summation of these balances, find the total amount outstanding on account of the past year's deposits. Each Court is required to submit, along with the Account Particulars of A Deposits, a certificate that the balance of B Deposits of the past year has been found by actual summation to be R

96. The balance found under the last rule, together with the total of the list prepared under Rule 98 (2), must equal the total balance of petty deposits on March 31st, and must be so verified—

(1) by each Court with the forward-balance in the plus and minus memorandum.

(2) by the District Judge with the balances of the subordinate Court brought forward in the Register No. 19.

97. The District Judge, having verified the balance certificates of the subordinate Courts, shall endorse each with the certificate "examined and found correct," and shall certify the fact of having done so upon the Lists of Lapsed Deposits sent to the Accountant General under the next rule.

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## Section X.

### Lapse of Deposits.

*Lapse of Deposits* . 98 | *Correction of Balance* . 100
*Lists* . . . . 99 | *Refunds* . . . 101-102

### Lapse of Deposits.

98. On 31st March of each year the following unpaid balances of Deposits lapse to Government, and are to be

so written off in the Account Particulars and Registers of Receipts respectively :—

(1) of A Deposits, *first*, all balances of Deposits of the last account year but one which do not exceed Rs. 5, and are therefore not carried forward under Rule 91 into the Account Particulars; these balances should be marked "Lapsed" in the Register of Receipts: *secondly*, all balances of Deposits outstanding over three complete years,—that is, all balances in the Account Particulars prepared two years before; these are to be marked off in the last column of the Account Particulars;

(2) of B Deposits, the balances of all Deposits outstanding over one complete year,—that is, the balances which in the case of deposits over Rs. 5 are transferred to Account Particulars under Rule 91; these are to be marked off in the last column of the Registers of Receipts.

[*Example.*—The balances which lapse on 31st March 1880 are—

(*a*) all balances not exceeding Rs. 5 of A Deposits received in 1878-79.

(*b*) all balances of A Deposits received in 1876-77.

(*c*) all balances of B Deposits received in 1878-79.

### Lists of Lapsed Deposits.

99. Three lists of the balances to be written off shall be prepared in Form 21, one for each of the three classes (*a*), (*b*), and (*c*), specified in the *Example* under Rule 98. These Lists shall be submitted along with the Account Particulars. Those of the subordinate Courts must be compared by the District Judge with his own Registers, and discrepancies, if found, must be reconciled. Those of the District Judge must include, under the District Judge's numbers, the lapsed balances of A Deposits of the subordinate Courts.

As regards B Deposits the Lists received from the subordinate Courts must be copied into the District Judge's List, with a separate total for each Court, the originals being filed for future reference.

The note under Rule 92 applies to these Lists of Lapsed Deposits also.

### Correction of Balance.

100. These Lists must be submitted during all April, and the totals thereof must be deducted by a separate entry from the plus and minus memorandum drawn up at the end of April, so that the plus and minus memorandum may show only the balance actually outstanding upon the Registers of the Court concerned.

### Refund of Lapsed Deposits.

101. When payment of a Deposit lapsed under Rule 98 is required by a person entitled thereto application shall be made through the District Judge, who shall examine the claim, and, if he find it correct, shall forward an application in Form No. 9 to the Accountant General. Several Deposit numbers may be included in a single application, if they are payable to the same person. The Accountant General's letter of authority, when received, shall be noted against the items in the Account Particulars (or original Register in the case of a B Deposit), so as to prevent a second application. This letter shall then be passed for payment at the Treasury, as prescribed in the form. No other record of these Refunds is necessary; and such payments are not to be shown in the plus and minus memorandum.

102. If the letter of authority received from the Accountant General is not claimed by the payee within twelve months from the date thereof, it shall be returned to that officer.

In the third and fourth lines of Rule 103, Chapter III, page 111, for the words and figures "published in March 1867 and May 1876" *substitute* the words and figures—published in 1896.—(*Slips for July—September, 1896.*)

## SECTION XI.

### MISCELLANEOUS RECEIPTS.

*Fines* . . . . *103-104*
*Registers* . . . *105*
*Credits to Government* . . . . *106*
*Rules regarding Receipts* . . . . *107-110*
*Control* . . . . *111*
*Monthly Return* . *112*

#### Fines.

103. The procedure for Magistrate's Courts in respect of the realization of fines is prescribed by the orders of the Bengal Government published in March 1867 and May 1876, and produced in Appendix C annexed to these rules. The rules of the Account Code, which prescribe a monthly statement to be sent by Subordinate Magistrates to the District Magistrate and by the District Magistrate to the Accountant General, are also reproduced in the same Appendix.

The monthly statement should continue to be sent in the form now in use. (*Accountant-General's No. 122A., dated 22nd April 1881.*)

104. When a fine is paid into a Civil Court the receipt shall be dealt with under the next following rule.

#### Registers.

105. Every Judge in charge shall maintain (1) a Register of Judicial Fines in Form 22; (2) a Register of Stamp Duty and Penalties in Form 23; (3) a Register of the Refund of the value of Court-fee Stamps in Form 24; and (4) a Register of Miscellaneous Receipts in Form 25. In the 1st, 2nd, and 4th of these Registers all receipts are to be posted which do not come under head (*a*) (Deposits) or head (*b*) (Peremptory Receipts) of Rule 5. The entries shall be made and checked in the same way as the entries in the Register of Deposit Receipts of the Subor-

dinate Courts. The amount of petty receipts under head (*f*) are to be shown only in a single total for each day.

It is not necessary to maintain in Magistrates' Courts the Fine Register here prescribed, as another Register is prescribed by Rule 103.

**Credits to Government.**

106. It is the duty of every Judge to see that sums which are in deposit, but which under any rule or law are forfeited, or become the property of Government (*e.g.*, earnest-money forfeited, or intestate property unclaimed), are duly credited to Government. In every such case there shall be prepared simultaneously (1) a Payment Order addressed to the Cashier and directing payment of the deposit "by transfer as per Chalan No. of this date," and (2) a Chalan crediting it to the proper head. Such Payment Order and Chalan shall be registered and dealt with in every way as if cash were paid out of and received into Court.

**Rules for Miscellaneous Receipts.**

107. With regard to stamp penalties attention should be given to Sections 35, 42, and the other sections in Chapter IV of the Indian Stamp Act (I of 1879). The penalty and the duty must always be separately credited. Form 10 shall be used for Certificates for Refund.

108. With regard to unclaimed property of intestates or others, it will be seen from the form that Register No. 25 deals only with receipts under this head which have remained in deposit for the prescribed period. A Register showing the property in detail must be kept in Civil Courts in Form No. 26, and in Criminal Courts in the form prescribed in the Rules for Court Inspectors.

NOTE.—[*Directions for dealing with the property of* INTESTATES—*C. O. No. 11 of 6th March 1878.*]—(*a*) Any cash

belonging to an intestate's estate which may be received in Court, from whatever source derived, must be paid into the Treasury at once, and no such cash must be allowed to remain in the hands of the Nazir.

(*b*) On the receipt of unclaimed property of persons dying intestate, the Nazir must make the requisite entries in the Register in Form No. 26 of the Account Rules, and these entries must be compared with the Police Chalan by the Sarrishtadar and the Accountant. If cash forms part of the property, or if part of the property, being perishable, is sold before the expiry of the year prescribed by law, such cash or sale-proceeds must, after entry in the Register just mentioned, be put in deposit till the time arrives for paying them over to claimants or crediting them to Government.

(*c*) When any property in the custody of the Court is sold, the sale account must invariably be checked with the Register by the Sarrishtadar and the Accountant, and the Judge must from time to time test the work of his subordinates by personally examining the sale accounts in some cases taken at random.

[*Expense of Conveying Intestate Property to the Sudder Station—C. O. No. 128 of 16th May 1851*]—The Judge should pay the expense of conveying intestate property to the sudder station from his Permanent Advance and charge the same in his Contingent Bill, subject to reimbursement from the eventual proceeds of the sale of the property, or, in cases where a claim to heirship is established, either by payment by the heir before the property is delivered to him, or by the sale of such portion of the property as may cover the expense.

109. Under head (*e*) (Miscellaneous) of Rule 5 shall be comprised all receipts not falling within any of the other principal heads of receipt, *e.g.*, forfeiture of earnest-money, &c., sale-proceeds of old stores or furniture, &c.

110. Receipts under the head of account mentioned in Rule 109 are at once credited at the Treasury to Government. They are not to be retained intermediately in deposit either at the Court or at the Treasury.

### Control of Subordinate Courts.

111. The miscellaneous receipts of Subordinate Courts are included in the Daily Statement sent to the District Judge under Rule 76 and are also included in the Daily Advice from the Treasury received by the District Judge under Rule 66. The Judge must effect a comparison between these two, and see that in each month the total amount advised as paid into the Treasury agrees with the total amount realized by the Subordinate Courts.

### Monthly Returns.

112. At the close of the month every Judge in charge shall prepare Lists in Forms 22, 23, and 25 of all the miscellaneous receipts, &c., paid by him into the Treasury.. Subordinate Courts shall forward their Lists in duplicate to the District Judge, and the District Judge shall add the totals of these Lists at the foot of his own List, and, appending one of the copies received by him from each Subordinate Court, shall forward the whole to the Accountant General for check against the Treasury accounts.

So far as regards fines in Magistrates' Courts this is done under a separate set of rules.

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## SECTION XII.

### MISCELLANEOUS RULES.

*Accountant and Cashier* . 113 | *Forms* . . . . . 115
*Language* . . . . . 114 | *Daily Accounts* . . . 116

### Accountant and Cashier.

113. In carrying out these rules care must be taken by all Judicial Officers that in respect of cash transactions in Court distinct officers are employed as Accountant and

To Rule 113, at pages 114 and 115, *ibid*, add the following as a foot-note :—

NOTE.—In District Magistrates' Courts the Registers should, under the orders of the Local Government, be maintained by the District Magistrate's staff, and not by the Court Sub-Inspector. (*Rule No. 5 of 2nd June, 1892.*)

Cashier. In other words, the same officer shall not keep the Registers of Chalans and Payment Orders, Deposit Registers, &c., and also receive and pay the money.

### Language of Record.

114. Judges who are acquainted with English, and have a clerk acquainted with English, should keep their accounts in English. Those who cannot do so must keep their books and submit their accounts in the Vernacular. In either case it must be distinctly recorded by each Judicial Officer whether the Sarrishtadar is or is not responsible for a general control and supervision over the Accountant.

### Forms.

115. The whole of the necessary forms and account books are to be obtained through the Superintendent of Stationery, and each Court is responsible for maintaining a proper printed stock of all the forms herein prescribed and for submitting timely indents according to the rules in force from time to time. The forms intended for non-English offices shall be printed in biglot form, with English and Bengali, or English and Hindi headings. Manuscript forms are prohibited.

### Daily Examination of Accounts.

116. The Accounts and Registers, of which a list is given in Appendix A, must be compared daily by the Judge in charge; and this rule is on no account to be neglected, as its observance is essential to the integrity of the transactions and the correctness of the books. The notes at foot of the forms indicate how the verification is to be made.

## Form No. I.

## CHALAN.

*Part I.—To be filled in at Court by the Payer.*

| Name of person or persons on whose behalf the money is tendered. | Name of person or persons to whose credit the amount is to be placed in the Court's book. | No. of suit or date of judicial decree or order (if any) under which the amount is tendered. | Particulars of receipt. | Amount tendered. | (Remarks if any.) |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

*Signature of Chief Ministerial Officer.*

*Signature of person tendering the money.*

*Part II.—To be filled in by the Court or under its orders.*

| Registered number. * | Registered date. * | Account to be credited, whether civil suit deposits, fines or forfeitures, stamp duty and penalties, or miscellaneous or petty receipts. | REMARKS. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | | |

* As per Court's Chalan Register (Form No. 2).

*Signature of Accountant.*

To

Receive and credit the above sum if tendered to you before 3 P.M. to-$\frac{\text{day}}{\text{morrow}}$

*Dated*

*Signature of Judge in charge.*

*Part III.—To be filled in at Court by Cashier, or at Treasury by Treasury Officer.*

| | | | |
|---|---|---|---|
| Received notes* . . . . . | | | |
| Received Silver and Copper | | | |
| RECEIVED, TOTAL R . | | | |

*Cashier of Court or of the Treasury.*

*Accountant of the Treasury.*

† Examined and entered in the books of the Treasury on the

(†) *Signature of Treasury Officer.*

*N.B.*—This form is furnished in triplicate free of cost.
*. Enter here Nos. of the notes.
† To be filled in only when presented at Treasury.

## Form No. 2.

*Register of Chalans for money tendered in the Court of in the month of 189*

| Date. | Consecutive number of items in Chalans. | From whom received. | Nature of receipt, with name of payee (if any). Particulars. | Amount Received in | | Initials of Judge in charge. | Date of credit in the Collector's account. | Initials of Judge in charge. | Remarks.* |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Court.* | Treasury.* | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

After receipt of the Treasury Advice for the last day of the month, the monthly totals of this Register shall be compared with the monthly totals of the several separate Registers of Receipts kept by the Accountant. The difference, if any, will be due to Chalans issued, but not presented in time to the Treasury, and the amount of such must be written off.

* This column should be totalled and compared with the figures in the debtor side of the General Cash-book.

## Form No. 3.

*Register of Chalans for Petty Payments made into the Court of the at to the credit of Government.*

| Date | No | | R | a | p | Date | No | | R | a | p |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |
| | | | | | | Date. | No | | R | a | p. |
| | | | | | | | | | | | |
| | | | | | | Date. | No. | | R | a | p. |
| | | | | | | | | | | | |
| | | | | | | Date. | No | | R | a | p |
| | | | | | | | | | | | |

## Form No. 4.

*Cashier's Receipt for Peremptory Cash Receipts.*

*No.*

*Dated*

*Name of Payer*

*On what account*

*Amount*

*No.*_____

*Dated*_____

*Received from*_____

*the sum of*

R

*(Signed)*

*Cashier of the Court of the*

*at*

*Cancel* Form No. 5 (Peremptory Cash-book) at page 121, *ibid.* (*Rule No. 5 of 2nd June, 1892.*)

## Form No. 5.

*16.—Peremptory Cash Book* of the Court of for the day of the month of 189*

DR. (To be maintained by the Judge in Charge of Accounts, and to be preserved for 12 years) CR.

| Serial No. of Deposit. | From whom received. | Particulars. | On account of: Witnesses' expenses. | Prisoners' diet. | Amins' travelling allowance. | | | | Total. | Date of repayment. | To whom paid. | Particulars. | Serial No. of Deposit. | On account of: Witnesses' expenses. | Prisoners' diet. | Amins' travelling allowance. | | | | Total. | Nature of payee. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | | | | | |

* Form revised by Rule No. 10, dated the 11th October 1889.

## Form No. 6.

DR *General Cash Book.** CR.

| Number of Chalan | Number of Payment slip. | From whom received. | On what account. | Amount Received: Petty receipts. | Amount Received: Other receipts. | Number of Payment Order. | To whom paid. | Amount paid. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

* Form revised by Rule No. 10, dated the 11th October 1889.

Between columns 6 and 7 of the General Cash-book, Form No. 6, at page 122, *ibid*, and also after column 9, *insert* a column headed "Initials of Magistrate."

(*Rule No. 5 of 2nd June, 1892.*

## Form No. 7.

### PAYMENT ORDER.

*Part I.—Application for payment of Judicial Deposits (to be filled in by the Applicant).*

| Name of Applicant, &c. | Date and purport of the Court's decree or order. | Names of the parties in the case and number of the suit. | Date of deposit. | Amount to be paid. | Remarks. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

*Date* *Signature of Applicant.*

Examined and found correct.*

*Signature of Chief Ministerial Officer.* *Signature of Presiding Officer.*

*Part II.—To be filled in by the Court or under its orders.*

| Serial number and date of payment order.† | | Court's Chalan No. and Chalan date of the original deposit from which the payment is sought. | | Court's No. and date of the original deposit.‡ | | Amount in deposit.‡ | At whose credit in deposit.‡ |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

To the *Officer in charge of the Treasury at* / *Cashier of the Court*

Please pay as above to or order Rupees§

*Signature of Court's Accountant.* *Signature of Judge in charge.*

This order is not payable more than ten days after date without a renewal enfacement by the Court, and it absolutely lapses and ceases to have effect on the 31st March next.

Payee is hereby to take notice that after tender and payment of this order the Treasury Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of this document until it is cashed.

Note.*—The signature below the words "examined and found correct" in Part I, Forms 7 and 8 of the Rules Account for Judicial Officers, must of course be held to indicate that the officer signing the certificate has satisfied himself "that the applicant is the proper party to receive payment of the amount claimed," and that the particulars stated are correct; while the Judge in charge will be responsible that the amount claimed is in deposit, that there is no bar to payment, and that the name of the claimant corresponds with that of the payee entered in his Register. (*Accountant General's No. 45T.M., dated 28th April 1882.*)

† Amended by *Accountant General's No. D447 of 10th February 1885.*

‡ As per Court's Register of Deposits Received (Form No. 16).

§ Words and figures.

*Part III.—To be filled in at Treasury (or at Court if payable there)*

Received contents, Rupees

Stamp of one anna if for more than R20.

*Signature of Disbursing Cashier.*

*The* *18* *Payee's signature.*

Examined and entered.

*Accountant.*

In Part II of the form of "PAYMENT ORDER" reproduced in Chapter III at page 125 *cancel* the heading of columns 1 and 2 and *substitute* therefor the following:—

| Serial number and date of payment order§. |
|---|

And insert as an additional foot-note—

§ Amended by *Accountant General's No. D-447 of 10th February, 1885.* (*Slips for July, 1894.*)

## Form No. 8.

### PAYMENT ORDER.

*Part I.—Application for Payment of Rent Deposit (to be filled in by the Applicant).*

| Name of Applicant. | Date of deposit.* | Amount to be paid. |
|---|---|---|
| 1 | 2 | 3 |
| | | |

*Date* *Signature of Applicant.*

Examined and found correct.

*Signature of Chief Ministerial Officer.* *Signature of Presiding Officer.*

See Note to Form 7, Part 1.

* Corrected by C. O. No. 11 of 19th May 1881.

*Part II.—To be filled in by the Court or under its orders.*

| Serial number of application and date of filing. | | Court's Chalan No. and Chalan date of the original deposit from which the payment is sought. | | Court's No. and date of the original deposit.* | | Amount in deposit.* | At whose credit in deposit.* | |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
| | | | | | | | | |

*To the* *Officer in charge of the Treasury at* / *Cashier of the Court*

Please pay as above to or order Rupees†

*Signature of Court's Accountant.* *Signature of Judge in charge.*

This order is not payable more than ten days after date without a renewal enfacement by the Court, and it absolutely lapses and ceases to have effect on the 31st March next.

Payee is hereby to take notice that after tender and payment of this order the Treasury Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of this document until it is cashed.

* As per Court's Register of Deposits Received (Form No. 16).‡

† Words and figures.

‡ Corrected by Rule No. 6 of 13th May 1881.

*Part III.—To be filled in at Treasury (or at Court if payable there).*

Received contents, Rupees

Stamp of one anna if for more than Rs20.

*Payee's signature.*

*Signature of Disbursing Cashier.*

*The* *18*

Examined and entered.

*Accountant.*

## Form No. 9.

No.

FROM

THE OF

To

THE ACCOUNTANT GENERAL OF

*Dated the* *18*

SIR,

I have the honour to report that claims have been preferred to the deposits of more than three years' standing, as detailed in the margin, aggregating Rupees

2. I have satisfied myself of the validity of the claims, and, with reference to the orders of the Government of India of the 31st March 1865, request your authority for the payment.

I have the honour to be,

SIR,

Your most obedient Servant,

*Judge.*

## Form No. 10.

| DISTRICT OF. | REFUND OF FINES OR MISCELLANEOUS RECEIPTS. | | | | VOUCHER NO. OF LIST OF PAYMENTS FOR 18 |
|---|---|---|---|---|---|
| HEAD OF SERVICE CHARGEABLE | 3—REFUNDS AND DRAWBACKS. MISCELLANEOUS REFUNDS. LAW AND JUSTICE. FEES, FINES, &C. | | | | |
| NAME OF PAYER. | Amount realised. | Date on which remitted to treasury. | NAME OF PAYEE. | Amount to be refunded. | AUTHORITY FOR REFUND. |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | TOTAL RUPEES | | As per annexed attested copy of order of Court. (*Note*—Copy of the *order* is required, not of the reason for it). |

*The* *18* Passed for payment. This order of refund has been registered, and no previous order for refund of the same sum has been issued.

*Claimant's*

Stamp, if required.

Pay Rupees Net

*The* *18* *Magistrate or other Officer.*

Examined— *Accountant.* *Signature.* *Officer in charge of Treasury.*

*N.B.*—This order is not payable more than ten days after date without a renewal enfacement by the Court, and it absolutely lapses and ceases to have effect on the 31st March next.

## Form No. 11.

No.

| DISTRICT OF | CERTIFICATE FOR THE REFUND OF THE STAMP FEES LEVIED ON THE PETITION SPECIFIED BELOW. | | | | VOUCHER No. OF LIST OF FOR 18 |
|---|---|---|---|---|---|
| HEAD OF SERVICE CHARGEABLE. | 3.—ALLOWANCES, REFUNDS, AND DRAWBACKS. REVENUE REFUNDS. STAMP DUTY { RAZEENAMAH. RE-TRIAL. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| No. of suit or petition, and names of the parties. | Value of stamp and description of paper. | Amount of claim in suit. | Names of the parties receiving refunds. | Amount to be refunded. | Under what Act, Section, and Clause the amount is refunded. |
| | | | | | |

*The* 18

*To the Collector of*

Pay Rupees Net

*The* 18

*Claimant's*

*Signature.*

Certified that

or his order is entitled, under the Order of this Court, dated the 18 , to the above refund of R

Examined— *Accountant.* *Officer in charge of Treasury* *Judge.*

## Form No. 12.

*Order of the refund of the value of Court-fee Stamps paid on account of*

TO THE COLLECTOR OF

Pay to_____
the sum of Rupees_____, being the value of Court-fee stamps paid by him on account of_____ _____the refund of which has been ordered in consequence of_____
as authorized by Circular Order of the High Court, No. 13, dated the 12th May 1874. This order of refund has been registered, and no previous order for refund of the same amount has been issued.

*Signature of Judge in charge.*

*Dated the of 18*

In "**Form No. 12**" reproduced at page 130, Chapter III, *strike* out the following figures and words:—

"Circular Order of" and "No. 13, dated the 12th May 1874". (*H. C. Progs., August, 1895, No. 570, Civil.*)

## Form No. 13.

*Register of Payment Orders issued by the* *of*
*in the month of* *18*

| Date. | Consecutive number of payment orders. | To whom paid. | Nature of repayment and number of item in the Register of Receipts against which it is to be taken. | AMOUNT CASHED IN | | Initials of Judge in charge. | Date of payment by Collector. | Initials of Judge in charge. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Court*. | Treasury*. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

* This column should be daily totalled and compared with the figures on the creditor side of the General Cash-book.

After the receipt of the Treasury Advice for the last day of the month, the monthly totals of this Register should be compared with the monthly totals of the Registers of Repayments of Deposits, and of any refunds of fines or miscellaneous receipts granted. The difference, if any, will be due to orders granted but not cashed, and the amount of those which have lapsed should be written off.

## Form No. 14.

PASS BOOK.

*The Court of* *in account current with the Treasury*

DR. (Payments and remittances from Courts.) CR.

| Date of payment. | Courts' No. of payment order. | Court's particulars of each payment to public or of remittance at the day's close to the Treasury. | Head of account under which to be scheduled at Treasury. | Amount. | Signature or initials of Treasury Officer. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| | | TOTAL . | | | |
| | | TOTAL FOR THE DAY AS PER RECEIPT SIDE . . . | | | |

| Date of receipt. | Court's No. of entry in Chalan | Court's particulars of receipt. | Head of account under which to be scheduled at Treasury. | Amount. | Signature or initials of Treasury Officer. |
|---|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | |
| | | TOTAL . | | | |
| | | TOTAL FOR THE DAY AS PER PAYMENT SIDE . . . | | | |

*Insert* the following as a foot-note to the form of "PASS BOOK" reproduced at page 132:—

NOTE.—Where the Court remits to a Branch Bank direct, the Agent of such Bank should acknowledge the receipt of the remittance in this book, and should sign or initial the several entries in it. (*H. C. Progs, February, 1893, No. 243, Civil.*)

## Form No. 15.

* "Date of last prior transaction The of 18

*Daily Advice List of Receipts and Payments at the Treasury at of on the day of on the requisition of the 18*

| Court's No. of Chalan. | Court's date of Chalan. | Detailed Heads of Receipts. | | | | | | Total receipts. | Court's No. of the Payment Order. | Court's date of Payment Order. | Detailed Heads of Payments. | | | | Miscellaneous refunds. | Total Payments. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Civil or Criminal Court deposits. | | | | | | | | | Repayments of Civil or Criminal Court deposits. | Refund of Stamp Penalties. | Refund of unclaimed property. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| Total receipts and payments at the Treasury . . | | | | | | | | | | | | | | | | |
| Total as per Pass Book, dated . . | | | | | | | | | | | | | | | | |
| Grand Total | | | | | | | | | | | | | | | | |

* Inserted by Rule No. 5, dated the 18th March 1886.

## Form No. 16.*

*Daily Register of* *Deposits received in Court or advised as having been received in the*

*Treasury of* *in the month of* *189*

Part I —A Deposits.† Part II.—B Deposits †

| Date of receipt | Annual consecutive No of each deposit | No of Chalan | From whom received | Nature of deposit, with name of payee. | Amount of each deposit | Initials of Judge in charge, or Local Officer | Monthly Total. | Details of repayment | | | | | | | | | | | | | | Total repayment | Balance carried to Account Particulars |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Date | Amount of each repayment | Initials of Judge in charge, or Local Officer | Date. | Amount of each repayment | Initials of Judge in charge, or Local Officer | Date. | Amount of each repayment. | Initials of Judge in charge, or Local Officer | Date | Amount of each repayment | Initials of Judge in charge, or Local Officer | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |

* Revised by Rule No 6, dated the 9th May 1890

† *N B*—A separate Register in this form will be maintained for each of the two classes of Judicial deposits A and B Each entry in this Register should be initialled by the Judge after comparison with the corresponding entries in the Register of Chalans issued This form should be used for two years only, after which the unpaid balances should be transferred to the statement of "Account Particulars," as required by Rule 91

In form No. 17, Chapter III, page 135, for column 11 headed "Amount repaid on account of deposits of ₹5 and less," *substitute* the following two columns—

| Amount repaid on account of deposits of ₹ 5 ss. | |
|---|---|
| Received during the current year. | Received during the year next preceding. |
| 11 | 12 |

and renumber columns 12 to 14 as 13, 14, 15. (*Rule No. 4, dated 11th August, 1893, Civil.*)

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Published in the *Calcutta Gazette* of the 2nd August, 1893, Part I, page 679' and in the *Assam Gazette* of the 5th idem, Part I, page 947.

## Form No. 17.

*Court's Daily Register of Judicial Deposits repaid at the Treasury of or repaid at the Court and advised to the Treasury during the month of 18*

Part I.—A Deposits.* Part II.—B Deposits.*

| Details of Deposits. | | | Dates as to present Repayment. | | | | | Amount repaid on account of deposits exceeding ₹5 each. | | Amount repaid on account of deposits of ₹5 and less. | Initials of | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Date of receipt. | Number as per Register of Receipts. | Amount or balance of deposit. | Date of cashing payment order, whether at Court or at Treasury. | Date of granting payment order, as per Court's Register. | Number of repayment voucher. | To whom repaid. | Whether paid in cash or by transfer. | Received in previous month. | Received in current month. | | Accountant. | Judge in charge. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 13 | 13 14 | 14 15 |
| | | | | | | | | | | | | | |

* Separate Registers must be maintained for each of these two classes of deposits.
Each entry in this Register should be compared with the corresponding entry in the Register of Payment Orders.

## Form No. 18.

*Date of last prior transaction. The of 18

*Subordinate Court's Daily Advice List of Sums received and paid under the orders of the Court of on the day of 18 , being the date of actual receipt or actual disbursement at the Court or at the Treasury.*

[*N.B.*—This statement is to be compiled from Registers 16, 17, 22, 23, 25.]

| Receipts. | | Payments. | |
|---|---|---|---|
| Judicial deposits exceeding ₹5 each . . . | | Repayment of deposits exceeding ₹5 each received in previous months, as per detailed register attached (Form No. 17) | |
| Judicial deposits of ₹5 and under . . . . . | | Repayment of deposits exceeding ₹5 each received in current month . . . | |
| Fines and forfeitures . . | | Repayment of deposits not exceeding ₹5 . . . . | |
| Stamp duty and penalties . | | | |
| Miscellaneous and petty receipts . . . . . | | | |
| Total . | | Total . | |

Certified that this statement has been examined with the Cash-books and Registers of Chalans and Payment Orders, and is correct.

Certified, also, that my Registers of Deposits not exceeding ₹5 are written up to date and are in order.

*To the District Judge of* *Subordinate Judge or Munsif.*

The Daily Advice List (Form 18) will be furnished only by the Judge in charge of accounts of the Courts at other than the sudder station, who may either be a Subordinate Judge or a Munsif, but no such list will be sent by any of the Courts at the sudder station. *Vide* signature at foot. (*Accountant General's No. 141, dated 26th April 1881.*)

* Inserted by Rule No. 5, dated the 18th March 1886.

## Form No 19.

*District Judge's Daily Register of Deposits advised as having been received and repaid under orders of the Subordinate Courts.*

| Date of actual receipt or repayment as advised | Deposits exceeding in amount Rs 5 each | | | | Deposits of Rs 5 and under | | | Initials of District Judge. |
|---|---|---|---|---|---|---|---|---|
| | Total amount received | Repaid on account of previous months | Repaid on account of current month, A | Total amount repaid | Amount received | Amount repaid | Daily Balance B | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

*N B*—The column marked A should be proved monthly by comparing the difference betweee it and the column "Total amount received' with the Statement of Outstanding Deposits mentioned in Rule 85 The column marked B should be tested by comparing the balance on the last day of each official year with the list of unpaid deposits mentioned in Rule 95

## Form No. 20.

*Extract Register of Receipts of* *Deposits at the* *Treasury in the month of* *188*

| Date. | No. of each deposit. | No. of Chalan. | From whom received.* | Nature of each deposit. | Amount of each deposit. | DETAIL OF REPAYMENTS TO BE POSTED IN THE ACCOUNTANT GENERAL'S OFFICE. | | | | | | | | | | | | | | Total repayments. | Balance of each deposit transferred to Account Particulars. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | IN THE YEAR OF RECEIPT. | | | | | | | | IN THE FOLLOWING YEAR. | | | | | | | |
| | | | | | | First quarter. | Amount. | Second quarter. | Amount. | Third quarter. | Amount. | Fourth quarter. | Amount. | First quarter. | Amount. | Second quarter. | Amount. | Third quarter. | Amount. | Fourth quarter. | Amount. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| | | | | Brought forward. | | | | | | | | | | | | | | | | | | | |
| | | | | | | Apl. | | July. | | Oct. | | Jan. | | Apl. | | July. | | Oct. | | Jan. | | | |
| | | | | | | May. | | Aug. | | Nov. | | Feb. | | May. | | Aug. | | Nov. | | Feb. | | | |
| | | | | | | June. | | Sept. | | Dec. | | Mar. | | June. | | Sept. | | Dec. | | Mar. | | | |
| | | | | | | Apl. | | July. | | Oct. | | Jan. | | Apl. | | July. | | Oct. | | Jan. | | | |
| | | | | | | May. | | Aug. | | Nov. | | Feb. | | May. | | Aug. | | Nov. | | Feb. | | | |
| | | | | | | June. | | Sept. | | Dec. | | Mar. | | June. | | Sept. | | Dec. | | Mar. | | | |
| | | | | Carried over. | | | | | | | | | | | | | | | | | | | |

* The name of the person *from* whom, not that of the Officer through whom the deposit is received, must be given.

## Form No. 21.

*List of A Deposits of* *to be transferred to credit of Government under orders of Financial Department No. 1506, dated 31st March 1865.*

Civil or Cc

| Year. | No. | Amount. | | Year. | No. | Amount. | |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

## Form No. 22.

*Register of Fines and Forfeitures realized in the Civil Courts at during the month of 18*

| Consecutive No. of entry in this Register | Date of realization. | No of Chalan. | Date of remittance to Treasury. | Date of order imposing the fine. | Court by which imposed. | Name of offender. | Nature of offence. | Amount.* | Initials of the Judge in charge | Details of any refund. | Initials of Judge in charge | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | | | | | | | | |

* This column should be compared daily with the corresponding entries in the Register of Chalans.

*N B.*—This form should also be used for stamp fines and penalties.

## Form No. 23.

*Register of Stamp Duty and Penalties realized in the Court of the of during the month of 18*

| Consecutive No. of entry in this Register. | Date of realization.* | Number in Chalan.* | Date of remittance to Treasury. | Court by which order is passed, and date of order. | Suit. No. | Suit. Title. | Name of party paying the duty and penalty. | Description of instrument and date of execution. | Amount of duty levied.* | Amount of penalty levied.* | Total. | Initials of the Judge in charge. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

* These columns should be compared daily with the corresponding entries in the Register of Chalans.

## Form No. 24.

*Register of the Refund of the value of Court-fee Stamps.*

| Date of cashing order for refund, whether at the Court or at the Treasury. | Date of granting order of refund as per Court's Register. | No. of repayment voucher. | To whom repaid. | No. of suit or appeal in which refund was ordered, and names of parties. | Amount refunded. | Initials of | |
|---|---|---|---|---|---|---|---|
| | | | | | | Accountant. | Judge in charge. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

## Form No. 25.

*Register of Miscellaneous Receipts in the Court of the during the month of 18*

| Consecutive number in this Register. | Date of realization. | Number in Chalan. | Date of remittance to Treasury. | From whom received. | Detailed Heads. | | | | | | | Total amount realized daily. | Initials of Judge in charge | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Sale-proceeds of the unclaimed property of intestates and others credited to Government | Forfeiture of earnest-money | Office receipts (sale of old furniture, &c.). | | | Petty receipts. | Miscellaneous items. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | | | | | | | | | | |

*N. B.*—This register should be compared daily with the corresponding entries in the Register of Chalans.

## Form No. 26.

*Register of Intestate Property received in custody by the Nazir of the District Court of*

| Consecutive No. | 1 | | |
|---|---|---|---|
| Name, village, caste, and presumed age of the deceased. | 2 | | |
| Date of death. | 3 | | |
| Date on which the property was received. | 4 | | |
| Particulars of property. | 5 | | |
| Estimated value of the same. | 6 | R | a. p. |
| Cash. | 7 | R | a. p. |
| Date of sale. | 8 | | |
| Date on which the cash received with property is credited in General Cash Account, with page thereof. | 9 | D. | |
| | 10 | P. | |
| Date of proclamation. | 11 | | |
| Amount of proceeds realized by the sale of goods, or of money recovered on bonds, or rents, or other income | Description of goods. | 12 | |
| | Value realized. | 13 | R a. p. |
| Date on which the sale proceeds, or other money recovered, were credited in General Cash Account, with page thereof. | | 14 | D. |
| | | 15 | P. |
| Total of columns 7 and 13. | | 16 | R a. p. |
| Charge to be deducted. | Detail. | 17 | |
| | Amount. | 18 | R a. p. |
| | Total. | 19 | R a. p. |
| Balance how disposed of, being amount of column 16 less column 19. | Particulars. | 20 | |
| | Property and value paid to heirs or other persons. | 21 | R a. p. |
| | Paid into the public treasury. | 22 | R a. p. |
| | Total. | 23 | R a. p. |
| Date of final disposal, page of General Cash Book. | | 24 | D. |
| | | 25 | P. |

## Form No.27.

*Account Particulars of A Deposits received at_____ Treasury in 189 , still outstanding on 1st April 189*

| Date | No of each deposit | Name of person from whom received | Nature of each deposit. | Balance of each deposit. | DETAILS OF REPAYMENTS (TO BE POSTED IN THE ACCOUNTANT-GENERAL'S OFFICE). | | | | | | | | | | | | | | Total Repayments on each deposit. | Balance of each deposit lapsed and credited to Government. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | In the 2nd Year after Receipt. | | | | | | | | In the 3rd Year after Receipt | | | | | | | |
| | | | | | First quarter. | Amount. | Second quarter | Amount. | Third quarter. | Amount. | Fourth quarter | Amount | First quarter. | Amount. | Second quarter, | Amount. | Third quarter | Amount. | Fourth quarter | Amount. | | |
| | | | Brought forward | | | | | | | | | | | | | | | | | |
| | | | | | April<br>May<br>June | | July<br>Aug.<br>Sept | | Oct.<br>Nov.<br>Dec. | | Jan<br>Feb<br>Mar | | April<br>May<br>June | | July<br>Aug.<br>Sept | | Oct.<br>Nov<br>Dec. | | Jan<br>Feb<br>Mar | | | |
| | | | | | April<br>May<br>June | | July<br>Aug.<br>Sept. | | Oct.<br>Nov<br>Dec | | Jan<br>Feb.<br>Mar. | | April<br>Mav<br>June | | July<br>Aug<br>Sept | | Oct.<br>Nov.<br>Dec. | | Jan.<br>Feb.<br>Mar. | | | |
| | | | | | April<br>May<br>June | | July<br>Aug<br>Sept. | | Oct.<br>Nov<br>Dec | | Jan<br>Feb<br>Mar | | April<br>May<br>June | | July<br>Aug.<br>Sept. | | Oct<br>Nov<br>Dec | | Jan<br>Feb<br>Mar | | | |
| | | | | | April<br>May<br>June | | July<br>Aug<br>Sept. | | Oct<br>Nov.<br>Dec | | Jan.<br>Feb<br>Mar | | April<br>May<br>June | | July<br>Aug<br>Sept | | Oct.<br>Nov.<br>Dec. | | Jan<br>Feb<br>Mar | | | |

K

Prescribed by Rule No, 6, dated 9th May 1890.

## Form No. 28.

### FORM OF ADVICE LIST.

To

THE OFFICER IN CHARGE OF THE TREASURY

AT

*Dated* *the* *18*

SIR,

I beg to advise having to-day issued upon you the under-noted cheques for sums exceeding R100, amounting in the aggregate to *R

I have the honour to be,

SIR,

Your most obedient Servant,

*Judge, Sub-Judge, or Munsif.*

| Serial number of payment order. | To whom payable. | Amount. | | | Date of payment. | Amount paid | | | Initials of Treasury Officer checking issue. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | R | a | p | | R | a | p | | |
| | | | | | | | | | | |

Prescribed by Rule No. 3 of the 23rd February 1886.
* Amount to be entered in words

# APPENDICES.

## APPENDIX A.

### *List of Registers.*

| | | | | |
|---|---|---|---|---|
| For all Judicial Officers. | To be kept by the Accountant. | 1 | Register of Chalans | Form No. 2 |
| | | 2 | „ „ Chalans for Petty Receipts | „ 3 |
| | | 3 | „ „ Payment Orders | „ 13 |
| | | 4 | „ „ Treasury Pass-book | „ 14 |
| | | 5 | „ „ Judicial Deposits Received. Part I, „ II | „ 16 |
| | | 6 | „ „ Judicial Deposits Repaid. Part I, „ II | „ 17 |
| | | 7 | „ „ Judicial Fines and Forfeitures | „ 22 |
| | | 8 | „ „ Stamp Duty and Penalties | „ 23 |
| | | 9 | „ „ Refunds of value of Court Fees | „ 24 |
| | | 10 | „ „ Miscellaneous Receipts | „ 25 |
| | To be kept by the Cashier. | 1 | Peremptory Cash-book | „ 5 |
| | | 2 | „ General Cash-book | „ 6 |
| | | 3 | Counterfoils of Receipts granted | „ 4 |
| For District Judges. | To be kept by the Accountant. | † | Register showing Deposits Received and Repaid by Subordinate Courts | „ 19 |
| | | | Register of Intestate Property | „ 26 |
| | | | „ „ Account Particulars of A Deposits | „ 27 |

### *List of Returns.*

FROM THE SUBORDINATE COURTS TO THE DISTRICT JUDGES.

Statement of total Receipts and Payments on account of deposits and other transactions (76) . . . . . Daily

Extract Register of Repayments of A Deposits received in previous months (76) . . . . . „

Statement of A Deposits Received, but not Repaid, during the month, with *plus* and *minus* memorandum enfaced (83 & 84) . . . . . Monthly

Statement of Miscellaneous Receipts (111) . . . . „

Account Particulars of A Deposits (93) . . . . Annually

Lists of Lapsed Deposits (98) . . . . . „

Certificate of the examination of B Deposits . . . . „

FROM THE DISTRICT JUDGE THROUGH THE TREASURY OFFICER.

Register of Deposit Receipts with *plus* and *minus* memorandum enfaced (88 & 90) . . . . . Monthly
Register of Deposit Repayments (89) . . . . . ,,
Statements of Miscellaneous Receipts of his Court and of the Courts subordinate to him (111) . . . . . ,,

FROM THE DISTRICT JUDGE TO THE ACCOUNTANT GENERAL DIRECT.

Account Particulars of A Deposits (94) . . . Annually
Lists of Lapsed Deposits of his Court and of the Courts subordinate to him, with certificates of the examination of B Deposits enfaced (98) . . . . . ,

## APPENDIX B.

### *Judge's Daily Examination of Accounts.*

(1) TRANSACTIONS AT COURT.

Comparison of Cashier's General Cash-book with the Registers of Chalans and Payment Orders.
Comparison of Treasury Pass-book with the Cash-book.

(2) TRANSACTIONS AT TREASURY.

Comparison of Treasury Advice with postings therefrom in the Registers of Chalans, of Payment Orders, of Deposit Receipts, and of Miscellaneous Receipts.
Comparison of Treasury Advice with Treasury Pass-book.

(3) TRANSACTIONS AT SUBORDINATE COURTS.

By Subordinate Court—Comparison of the Daily Statement with the Registers.
By District Judge—Comparison of Treasury Advice with Subordinate Courts' Statement.
Comparison of Statement with posting therefrom in the Register Form 19, and Registers of Receipts and Payments of Deposits.

### *Judge's Monthly Examination of Accounts.*

1. The proper closing and totalling of all Registers.
2. Comparison of out-going Statements with Office Registers.
3. Comparison of *plus* and *minus* memorandum with totals of Registers.
4. Ascertainment and verification of outstanding Payment Orders.

*By District Judge—*

Comparison of Subordinate Courts' Returns with Register Form 19.

## APPENDIX C.

### RULES FOR FINES.

*Fine Register.*

1. The only books to be kept are a Fine Register and a Fine Balance Statement.

2. In every sudder or sub-divisional office there shall be kept a register, in Form A, in the hands of the Court Inspector or Sub-Inspector. In this shall be entered, in a consecutive *monthly* series, all fines imposed by any of the magisterial officers of the station, or imposed by Sessions Judges or the High Court, and transferred to the Magistrate for realization. In each court one of the mohurirs shall be especially charged with the duty of looking after the fines or other sentences.

*Procedure on Sentence.*

3. When an offender is sentenced by the Magistrate, a small printed form shall be at once filled in with the particulars, and sent with the prisoner in charge of a constable to the Court Inspector's office.

4. The Court Inspector will then make the necessary entries in his Register of Fines, if fine be part of the sentence, and will call upon the prisoner to pay the amount. If this be done, the necessary entries should be made and the payer released, unless he be also sentenced to imprisonment. If the sentence be one of fine only, and the fine be paid in part, the entries will be made and prisoner released, and application be made by the Court Inspector for a warrant for realization of the balance to the court which passed the sentence. If the sentence be one of fine only, and the fine be not paid at all, the Court Inspector shall apply for a warrant for the realization of the whole amount. No person, not also under sentence of imprisonment, alternative or otherwise, shall be detained by the Court Inspector on account of inability to pay the fine. Where the sentence is one of fine, but with an alternative sentence of imprisonment on failure to pay the fine, if the fine be not wholly satisfied at once, the Court Inspector shall report to the court which imposed the sentence, and shall take its written orders as to the

term of imprisonment, proportional to the amount still unpaid, which, under section 69 of the Indian Penal Code, the convicted person has yet to undergo.

5. Any further payments made during the currency of the term of imprisonment must be at once reported to the Magistrate by the Court Inspector, with a view to the further amendment of the sentence of imprisonment or the release of the prisoner, as the case may be. [1] He will at the same time enter the amount realized in his Fine Register, and submit the register with his report, to the Magistrate, who will initial the entry of realization.

*Imprisonment in lieu.*

6. In any case where, under any special or local law, imprisonment in lieu of fine is to be taken as full satisfaction of the penalty if the convicted person elect to undergo the imprisonment, the Court Inspector must bring him at once before the court imposing the sentence, which shall certify to the fact of the election, and the amount of fine shall, if entered, be struck out of the Court Inspector's books. Nothing hereinbefore laid down shall interfere with any special directions of law for the attempted realization of fine by distress or otherwise before carrying out any sentence of imprisonment upon the offender.

*Warrants from other Courts.*

7. When a warrant for realization of a fine is received from the Sessions or any other court, not under the control of the Magistrate of the district, the fine shall be entered in the register, and shall be treated in all respects as a fine imposed by the Magistrate of the district, which the offender has declined to pay, and for the realization of which a warrant has issued. But such entries may be conveniently distinguished by having prefixed to them in red ink the letters S. or H. C. (for Sessions or High Court).

*Daily Remittance.*

8. All fines received by the Court Inspector must be paid in by him daily to the treasury. The chalan sent with them should

[1] Government of Bengal, Circular No 15J of 21st March 1887.

In the seventh line of rule 6 *ibid* at page 150, for the words "Court Inspector's books" *substitute* the words—"Fine Clerk's books". (*H. C. Progs., April, 1894, No. 31.*)

To Rule 7 of Appendix C, in Chapter III at page 150, *add* the following:—

Orders of fine confirmed in appeal by the Sessions Judge will also be treated as fines imposed by the Magistrate of the district, and not as fines of the Court originally trying the case, the fine in such cases being struck out of the register of the original Court.—(*H. C. Progs., January, 1895, No. 75*).

be in detail, and accompanied by the Fine Register, and the treasury mohurir receiving them will check each entry in the chalan by the Register of Fines, putting his initials to each in the proper column of the register.

9. The chalan receipted by the Treasury Officer will be kept filed by the Court Inspector as his acquittance.

*Daily Examination and Inspection.*

10. It shall be the duty of the fine mohurir of each court to examine daily the Court Inspector's register, and to ascertain that each entry is made, and made correctly. He will certify this by his initials in the proper column. He is also responsible for the speedy preparation of warrants. It is the duty of the fine mohurir of the principal court, *i.e.*, the Magistrate's own court at a sudder station, and Sub-divisional Officer's court where there are more than one at a sub-division, to check the Court Inspector's monthly statement and the totals in the cash columns of the register. Each Magistrate should examine the Fine Register daily, and check his own fines, signing his initials into each entry. He should see that warrants are issued, and remittances paid and acknowledged without delay.

11. The Magistrate of the district, or officer in charge of a sub-division, should also inspect the register from time to time, watch the action of his subordinates, and check the Court Inspector's totals at the close of each month.

*Remission of Fines.*

12. When any fine or part of a fine is remitted in any month subsequent to that in which it may have been imposed, whether on appeal or otherwise, or becomes irrecoverable in consequence either of the lapse of six years from date of sentence, or imprisonment having been suffered *in lieu* of fine, it shall be entered in the register in red ink under the month in which it is so remitted or lapses, and the amount remitted or lapsing shall be shown in column 8 of the register. When a fine is remitted in the same month in which it may have been imposed, the entry in column 8 will be made opposite the original entry, and of course in black ink.

reported by the Court Inspector, the disbursement of the compensation will in every case be made from the treasury on the Magistrate's order. Fines under section 209 of the Criminal Procedure Code will be treated as if imposed in a case instituted on complaint by the original defendant.

*Monthly Balance.*

17. A monthly balance sheet should be prepared in a book kept for the purpose, showing—

Grand balance of fines outstanding . . . . . .

Amount imposed during month, *i.e*, total of black ink entries in column 6 . . . . . .

Grand Total realizable .

Amount remitted on appeal, &c., or written off by Commissioner's order, *i.e.*, grand total of column 8 . .

AMOUNT REALIZED—

Of new fines, *i.e*, total of black ink entries in column 12 . . . . . .

Of old fines, *i.e.*, total of red ink entries in column 12

Grand Total of column 12 . .

BALANCE—

Of new fines, *i,e.*, total of black ink entries in column 13 . . . . . .

Of old fines, *i.e.*, total of red ink entries in column 13

Grand Total of column 13 .

The grand balance outstanding at close of previous month less the total of red ink entries in columns 8 and 12, and plus the black ink entries in column 13, will give the grand outstanding balance of the present month.

A certificate to the following effect should be given at foot :—

"Certified that the total of the above realized fines [1] [plus Rs. the balance in hand of the preceding month, minus Rs. balance in hand,] has been brought to credit in the treasury accounts."

*Magistrate.*

*Initials of Treasury Officer.*
" *Court Inspector.*
" *Fine Mohurir.*

18. A copy of each sub-divisional balance sheet must be sent to the Magistrate of the district within two days after the end of the month, and the balance sheet of the sudder station ought to be ready within the same time.

19. A general district balance sheet must be sent to the Commissioner within ten days of the close of the month.

*Registers at Police Stations.*

20. The above would seem to be sufficient check upon the Court Inspector's department if properly carried out. But under the Penal Code fines may be realized any time within six years, or during the term of imprisonment of the offender, if this be more than six years. It is requisite, therefore, that at each thanna a register, in Form B, be kept of all warrants received for realization of fine within its jurisdiction. Whenever a balance is left unrealized, it is the duty of the police to institute periodical inquiries as to the acquisition of property by the defaulter. The fact and result of making these inquiries should be entered in the column of remarks at least once a quarter.

*Police Inquiries and Procedure.*

21. The inquiries should not, in the first instance, be made in any formal or official manner, but the officer in charge of a police-station, when visiting villages or receiving reports from rural police, should enquire from time to time verbally as to the position and occupation of any defaulter resident within his jurisdiction. If it shall appear that such defaulter can, in all probability, pay the

[1] The portion within brackets has been inserted by Rule No. 2 of 18th June 1888 (Civil).

amount of fine outstanding against him, the police officer shall forthwith report the matter to the Magistrate having jurisdiction, with a view to the issue of a warrant. In all other cases he will merely note "no assets" in the remarks column, dating the entry.

22 The Magistrate should in every case exercise a sound discretion as to the issuing or refusal of warrants, and may, if he think fit, order a local inquiry to be made by a superior officer of police before granting such.

23. Warrants of this description, subsequent to the first, must be entered in the thanna register in red ink, but be treated as a fresh entry:-a reference being made in the remarks column to the year and number of the original warrant.

24. In the event of the death of a defaulter being reported, one final and formal inquiry should be made as to whether he has left *anywhere* any property *of any kind* liable for his debts.

25. All fines realized should be remitted with the returned warrant to the Court Inspector at once.

26. The Magistrate should call for the register of each thanna at least once a quarter, and have it compared with the Court Inspector's register. He should also note that the police inquiries have been regularly made and properly recorded.

*Commisssoner's Inspection.*

27. The Commissioner, on his annual tour of inspection, or at such other times as he may deem fit, should examine the Fine Registers and give orders for the writing off of all fines which, in consequence of the death of the defaulter, or of its having been ascertained after repeated inquiry that there are no assets, may be irrecoverable.

## A.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Consecutive number in month. | Number of case. | Name of officer imposing. | Name of offender and offence. | Date of sentence. | Amount of fine. | Imprisonment in default. | Amount remitted or written off. | Date of issue of warrant. | Thanna to which issued. | Date of return of warrant. | Amount realised. | Balance. | Amount paid into treasury. | Signature of Treasurer. | Signature of Court Inspector. | Signature of Fine Mohurir. | Signature of Magistrate. | REMARKS. |

B.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Consecutive number in year. | Number of warrant. | Officer issuing. | Name of offender and offence, and date of sentence. | Amount for which warrant is issued. | Date of warrant. | Date of its receipt. | Date of its return to head-quarters. | Amount realized and remitted | Date of admittance. | Balance of fine outstanding. | REMARKS. |
| | | | | | | | | | | | |

## ADDENDUM TO THE RULES REGARDING THE REALIZATION AND PAYMENT OF JUDICIAL FINES APPROVED OF IN GOVERNMENT ORDERS No. 125T, DATED THE 5TH MAY 1876.

*Warrants from other Districts.*

28. In cases of fines imposed in one district, but realized in another, the following procedure is to be observed :—

29. The court imposing the fine will issue a distress warrant directed to the Magistrate of the district or districts where property of the prisoner is supposed to be The Magistrate of the district, on receipt of this warrant, will deal with it as if the fine

was imposed in his own district. This warrant shall contain the following particulars: name of prisoner, sentence, date of sentence name of jail in which the prisoner is confined, name of court issuing the warrant.

*Realizations of other Districts.*

30. The proceeds of all fines so realized will be paid into the local treasury, with the realizations of the court that makes the recovery. The amount should be carefully distinguished from local fines, and will be separately acknowledged by the Treasury Officer. No entry of these fines will be recorded in the Fine Register of the district where the fine was recovered, but the amounts realized must be credited in the cash book of the Court Inspector, and a foot-note made in the fine statement of the total amount realized on account of other districts, the sums relating to each district being carefully distinguished for comparison and check in the Accountant-General's office.

*Communication to Court.*

31. The realizations of all such fines must be immediately communicated to the officer by whom the fine was imposed by the despatch to him of both the treasury receipt and the warrant. The use of remittance transfer receipts is strictly prohibited. This officer will note the realization in his register of fines, and include the amount in the monthly statement of fines which he renders to the Accountant-General, with a note against the item showing into what treasury the amount has been paid, and the date of payment.

32. The fact of recovery will then be reported to the jailor by the officer who imposed the fine.

*Miscellaneous.*

33. All officers receiving and remitting money, from the officer who actually realizes the fine to the officer who finally remits the same to the treasury, are in all cases bound to demand receipts from the payees. The responsibilities of officers remitting money will not cease until acknowledgments of receipts have been duly received.

For the first sentence of Rule 35 *ibid*, at page 158, *substitute* the following :—

† 35. All fines, under whatsoever law they may be imposed, are payable to the Court imposing the fine, to the Magistrate of the district in which the prisoner is confined, or to the officer entrusted with the warrant for its realization.—(*H. C. Progs., January, 1895, No. 75*).

34. In all cases of communicating the realization of fines by the despatch of the treasury receipt to the district where such fines were imposed, it will be the duty of the Court Inspector to send reminders whenever acknowledgments of receipt of such communication are unduly delayed.

35. All fines, under whatsoever law they may be imposed, are payable only to the court imposing the fine, or the officer entrusted with the warrant for its realization. The receipt of fines by the jailor is unauthorized, and jailors are therefore prohibited from receiving payments on account of fines under any circumstances whatever.

*Civil Account Code, Chapter* 10*: Fine Returns.*

1. In the case of fines, the duty of checking the receipts is laid upon the Accountant-General, to whom a monthly memorandum of all fines realized, and of all remittances of fines to the treasury, should be transmitted by every court having the power to fine.

[Fines imposed after criminal judicial process are credited in the treasury to the head "Law and Justice," except in cases in which a special order of Government directs that fines for any particular class of offences should be made over to a municipality or other body. The fines thus made over to a municipality or other body should be detailed at foot of the monthly statement, a separate total being made of the fines credited to "Law and Justice" for agreement with the treasury account.]

2. In order to secure that returns are received from *every* court having such power, it will be convenient to arrange for their collection by the head of every department in the district (the Collector, the Judge, and the Magistrate), and their transmission by that officer. If it be more convenient for him to embody all in his own return, there is no objection to his doing so; but the collective return must be based on the records or accounts of the courts, and not on those of the treasury, though it should be compared with the treasury figures before being despatched The best means of ensuring this comparison will be for the court to despatch its return through the Treasury Officer, who will certify to the agreement

with his books, or will have the return corrected by the court before he transmits it.

If precautions are at present taken against double refunds of fines, or refunds of fines not actually paid into the treasury, a simple memorandum of the collections of each court, and of its remittances to the treasury for check with the treasury credit, would suffice; in the absence of such precautions, a detailed list of the fines collected and paid into the treasury must be transmitted, in order to facilitate check in case refunds are claimed. The form of the return will be settled by the Accountant-General

If the several courts submit to any controlling officer returns of the fines imposed, the returns of the realizations may with advantage be despatched to the Accountant-General under flying seal through the said controlling officer; but if this course be found to cause delay, the Accountant-General should instead send the controlling officer a memorandum of the monthly credits which appear in the treasury account.

# CHAPTER IV.

RULES RELATING TO RECORDS AND COPIES.

## Records.

1. [RULES[1] *for the Arrangement, Preservation and Destruction of Records of Criminal Proceedings—C. O. No.* 6, *dated the* 10*th November* 1890.] The following rules apply to the

## Records of Criminal Courts of all grades.

SECTION I.—ARRANGEMENT OF RECORDS OF CRIMINAL PROCEEDINGS

1. Every record of the Criminal Courts of Original Jurisdiction, including Courts of Session, shall consist of two files, to be styled and marked respectively File A and File B.

File A shall contain—

(*a*) Title page.

(*b*) Table of contents.

(*c*) The order-sheet.

(*d*) Papers showing how the proceedings were initiated, *e.g.*, the petition of complaint, the first information or other report of the police.

(*e*) Final form (A, &c.) submitted by the police.

[1] These rules came into force on the 1st of January 1891. Published in the *Calcutta Gazette* of the 12th November 1890, Part I, pages 1080 to 1084, and in the *Assam Gazette* of the 22nd November 1890, Part III, pages 681 to 685.

(*f*) Examination of any witness taken by commission.

(*g*) Confessions or statements of the accused before trial.

(*h*) Depositions of witnesses, including depositions of absent witnesses admitted in evidence, and depositions of witnesses treated as evidence under Section 288 of the Criminal Procedure Code.

(*i*) Examination and statements, oral or written, of the accused, and statements, oral or written, of the opposite party, during trial.

(*j*) Charge.

(*k*) Reports of the Chemical Examiner or Assistant Chemical Examiner to Government.

(*l*) *Post-mortem* and other reports of Medical Officers.

(*m*) Verdict of the Jury, or opinion of the Assessors.

(*n*) Finding, sentence and judgment.

(*o*) Form of summary trial kept under Section 263 of the Criminal Procedure Code.

(*p*) Copy of the judgment or order of the Appellate or Revisional Court.

(*q*) Warrant returned after execution by the jail authorities.

(*r*) Any petition or other paper bearing on the offence charged and material to elucidate or justify the decision.

File B shall contain—

(*a*) Title page;

(*b*) Table of contents; and

(*c*) All other papers not included in File A, except documents admitted as evidence during trial, that is, exhibits which are dealt with in a separate rule.

2. The record of the Appellate or Revisional Court shall be arranged in the same way as that of the Court of Original Jurisdiction, except that there shall be no separate B File, the papers which would belong to the B File being attached to the A File.

3. In every case papers shall, as far as possible, be attached to the file to which they belong as the trial proceeds, and shall be arranged in the order in which they are brought before the Court.

4. The depositions of witnesses shall be arranged in the order in which they are given.

5. The distribution of papers into the proper files must in all cases be made before the record is deposited in the record-room, the object being to avoid the necessity of sorting papers in the record-room.

6. To each file of every record there shall be prefixed a title-page in the following form:—

TITLE PAGE.

FILE.

*In the Court of the* *of*

*Case No.* *of* 189 .

*Complainant,*
*Applicant,*

*Accused.*
*Opposite Party.*

Section of the Indian Penal Code or other law

Date of the decision of the Original Court

Date of the decision of Appellate or Revisional Court

7. Prefixed to every file there shall be a Table of Contents in the form of which the following is a specimen:—

TABLE OF CONTENTS.

*District* *Court.*

*Case No.* *of* 189 .

*Complainant / Applicant, / Accused.*

*Opposite Party.*

*File.*

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Serial Number of paper | Sheets. | Description. | Value of Court-fee Stamp. | Period for which to be preserved. | REMARKS. |
| | | | Rs. A. P. | | |
| 1 | 1—3 | Order-sheet ... ... | | | |
| 2 | 4—5 | Petition of Complaint ... ... | 0 8 0 | | |
| 3 | 6—8 | Confession of accused before trial ... | | | |
| | 9 | Charge ... ... | | | |
| | 10 12 | Judgment ... ... | | | |
| | 13—14 | Copy of the judgment of Appellate or Revisional Court. | | | |

Total value of Court-fee stamps

(Signed)

*Officer of Court.*

Compared and found correct.

*Record-keeper.*

Column 1 will give the consecutive number of the different papers in the file. The sheets in the file shall be numbered consecutively, and column 2 will give the consecutive number of the sheets. Columns 1—4 will be filled in as the trial proceeds; and in column 5 the Record-keeper will enter the number of years for which each paper on the record is to be preserved according to the rules for the preservation and destruction of records.

### Exhibits.

8. Documents admitted as evidence at the trial and not included in File A, are not to be shown in the Table of Contents. They will be separately arranged in the order in which they are received by the Court, and a separate list in the following form will be prepared for them :—

LIST OF EXHIBITS.

*Court of* *at*

*Case No.* *of* 189 .

*Complainant,*
*Applicant,*
*Accused.*
*Opposite Party.*

Section of the Indian Penal Code or other law

| Serial Number. | Nature of document. | By whom filed. | Date of filing. | Descriptive mark. | REMARKS. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

Compared and found correct.

(Signed)

*The* 189 . *Record-keeper.*

9. Whenever a document used in evidence is withdrawn, either before or after judgment, a note of the fact shall be made in column 6 of the List stating also whether a copy has or has not been substituted.

SECTION II.—THE TRANSMISSION OF RECORDS TO THE DISTRICT RECORD-ROOM.

10. With the exception of proceedings before the Court of Session, the records of which will be kept in the record-room of the Sessions Judge, the records of all criminal proceedings will be kept in the record-room of the Magistrate of the District.

11. The records of all decided cases shall be forwarded to the District record-room by Magistrates at head-quarters in the course of the month, and by Magistrates at Subdivisions in the course of the year next succeeding that in which they were decided.

The District Magistrate shall fix the dates on which the records from each Court shall be despatched to the District record-room, endeavouring so to fix the dates that too many records shall not reach the record-room at one and the same time.

12. A list in the following form shall accompany all records sent to the District record-room. These lists must be uniform in size and shape, and will be bound from time to time so as to constitute a "Catalogue of records sent to the record-room."

*List of records sent to the District record-room from the Court of*_____

| Serial number of record. | Sadar Station or Subdivision. | Name of Magistrate. | SERIAL NUMBER OF CASE IN THE | | | | Name of complainant. | Name of accused | Nature of the case with the section of the Penal Code or other Act applicable. | Final order passed, and details of sentence. | Result of appeal or revision. | Date of decision. | Class of case under Rule 13 | File A or B. | Names of proclaimed offenders not arrested. | Note if case falls under rule 14, clause 3. | Dates of destruction of files and initials of officer superintending destruction | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Register of complaints of offences. | Magistrate's General Register of cases cognizable by the Police. | Register of unimportant cases cognizable by the Police in which the first information report is not used. | Register of miscellaneous cases. | | | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | | | | | | | | | | | | | | | | | | |

*Date of despatch* *Signature of the Officer of despatching Court.*

*Date of receipt* *Signature of District Record-keeper*

SECTION III.—PRESERVATION AND DESTRUCTION OF RECORDS.

13. The period for which the records shall be preserved, such period being calculated from the date of the final judgment or order in each case, shall be as follows:—

| | | |
|---|---|---|
| I. | In— | |
| | (*a*) Sessions cases ... ... | File A—14 years. |
| | (*b*) Non-bailable Magistrates' cases | |
| | (*c*) Appeals and applications for revision against judgments or orders passed by Magistrates in such cases ... ... | |
| II. | In— | |
| | (*a*) Possession cases under Chapter XII, C. P. C. ... ... | File A—5 years. |
| | (*b*) Security cases under Chapter VIII, C. P. C. ... ... | |
| | (*c*) Appeals and applications for revision in respect of these cases | |
| III. | In— | |
| | (*a*) Other miscellaneous cases ... | File A—2 years. |
| | (*b*) Magistrates' bailable cases ... | |
| | (*c*) Appeals and applications for revision in respect of cases (*a*) and (*b*) ... ... | |
| IV. | In cases of all the above descriptions | File B—2 years. |
| V. | In— | |
| | (*a*) Cases in which Magistrate has declined to issue process. | Files A and B—1 year. |
| | (*b*) Cases in which the accused has been acquitted. | |
| | (*c*) Cases in which the accused has been executed under a capital sentence. | |

14. Provided that the following records and papers of records shall not be liable to destruction:—

(1) Record of any case in which the sentence nas not expired.

(2) Record of any case in which any of the accused or parties proceeded against has not been apprehended.

(3) In cases in which the accused has been convicted of an offence a repetition of which renders the offender liable to a whipping or to enhanced punishment, the following papers:—

(*a*) Charge.

(*b*) Finding, sentence and judgment.

(*c*) Copy of the judgment or order of the Appellate or Revisional Court.

(*d*) Form of summary trial kept under section 263 of the Criminal Procedure Code

(*e*) Warrant returned after execution by the jail authorities.

15. Sessions Judges and Magistrates may, at their discretion, preserve any particular paper on the record of any particular case beyond the above periods.

## Return of Exhibits.

6. On the judgment or order in any case becoming final, notice shall be given to the person by whom any document admitted and used in evidence was brought into Court, or to his pleader, requiring him to take it into his own keeping, within six months from the date of the notice, failing which the document will be destroyed when the record to which it relates is destroyed. The

notice must distinctly warn the owner that the document will be kept at his own risk, and that the Court declines all responsibility for its safe custody. The notice should be in the following form :—

NOTICE TO TAKE BACK DOCUMENTS.

*In the Court of*

*Case No.* *of* 189 .

of } *Complainant, Applicant,*

*versus*

of } *Accused. Opposite Party.*

The parties in the above case are hereby required to take back into their custody, within six months from the date hereof, the documents now in the custody of the Court, filed by them as evidence in the above case, the judgment (or order) now having become final. The parties are distinctly warned that the documents are kept at their own risk, and that the Court from this date declines all responsibility for their safe custody, and that, if not taken back, they will be destroyed when the record is destroyed.

*The* 189 .

*Presiding Officer.*

A copy of the notice shall be put up in the Court in which the case was tried.

17. When returning documents, care must be taken that any document which the Court has impounded is not delivered out of the custody of the Court.

18. The destruction of records, in accordance with these Rules, shall take place at the end of each calendar year, by burning in the presence of the Record-keeper. Sessions Judges and District Magistrates will note in

their Annual Reports whether these rules have been duly observed.

NOTE.—The above rules must be read in connection with the provisions of section 8, Act III of 1879.

## Order-sheet.

2. [RULE *Order-sheet to be maintained—Rule No.* 1 *of* 1*th July* 1888.]—(*a*) The following form of Order-sheet is to be used by all Magistrates subordinate to the High Court, and it shall form part of the record of each trial:—

ORDER-SHEET.

DISTRICT

*In the Court of* *of*

*No.* *of* 18 .

*versus*

| Serial No. of order. | Date. | ORDER. | Signature. |
|---|---|---|---|
| | | | |

(*b*) This paper shall include every interlocutory order, from the date of complaint or the date on which the accused is sent in custody to the Magistrate by the Police, and shall also contain the substance of the final order.

(*c*) Each Order entered in the Order-sheet shall be signed by the Magistrate. The Order-sheet shall be kept in charge of the same officer who has custody of the

trial Nuthee, and at the conclusion of the trial shall be permanently attached thereto.

3. [*Records—Inspection to be annually reported—C. O. No* 6 *of* 17*th July* 1865.]—Mention of the state of their record-rooms should invariably be made in the Criminal Reports of Sessions Judges and Magistrates. The Court will not be satisfied with a mere cursory mention, but require a clear description of the state of each record-room, and the dates up to which the records have been sorted or destroyed, so that it may appear without doubt that this duty has in no way been neglected.

4. [*Records—When allowed out of the custody of the Officers of Court.*]—(*a*) [*C. O. No.* 15 *of* 16*th December* 1875, *and C. O. No.* 6 *of* 12*th May* 1882.]—The records of decided cases shall be retained in the record-rooms of the Courts to which they pertain, or of the superior Court of the district, and shall not be allowed to pass out of the custody of the Officers of such Courts, except when called for by superior judicial authority, or required for the purposes of section 137, of the Code of Civil Procedure by a Civil Court.[1] It is improper and inconvenient that records of the Courts of Justice should be sent to other public officers or functionaries. If a reference to their contents is required, the proper procedure is ordinarily to obtain copies of the requisite papers.

(*b*) [*C O. No.* 20 *of* 30*th April* 1879.]—When in the course of proceedings in a Criminal Court it becomes necessary to refer to the contents of public documents deposited in other Courts, the ordinary procedure is to require copies of them to be filed. It frequently

[1] Records of preliminary inquiries in Sessions cases should be kept in the Magistrate's record-room; only depositions of medical witnesses, confessions, and such other documents as are admitted as evidence on the Sessions trial, being kept with the Sessions record—(*H. C.*, 1300, 1882).

happens, however, that in the course of a criminal trial the production of an original record becomes necessary. In such cases the Court where the record is deposited shall comply with the requisition of the Court requiring its production. Sessions Judges and Magistrates making such requisitions, however, are required to state in their requisitions that the production of the original is necessary, and the reason of the necessity. If the Court receiving the requisition is of opinion that the reason given for requiring the production of an original record instead of a copy is insufficient, it should nevertheless comply with it, reporting the matter for the consideration of the High Court.[1]

(*c*) [*C. O. No.* 1 *of* 12*th January* 1877 ]—When a Divisional Commissioner requires the records of a criminal trial in order to satisfy himself whether Government should be moved to direct an appeal against an original or appellate judgment of acquittal under section 417, Criminal Procedure Code, the Sessions Judge should comply with the application.

5. [*Records—Government Pleaders to have access to the records of Sessions Trials for the purposes of Medico-legal Reports.*] (*a*) [ *C. O. No.* 10 *of* 22*nd September* 1869.]—All Sessions Judges and Judicial Commissioners are to allow the Government Pleaders in their several districts to have access to their decisions in all criminal cases in which medical evidence is taken.

(*b*) [*C. O. No.* 5 *of* 21*st September* 1880 ]—Sessions Judges in the Lower Provinces should give every facility

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[1] This course should also be followed when *no* reason is given in the requisition If the record required is that of an appeal pending before the Sessions Judge or District Magistrate, he should intimate the fact to the officer making the requisition and request him to return the record without delay—(*H C*, 100, 1882)

to Magistrates and District Superintendents of Police for inspecting the records of cases in their Courts, and for the preparation of copies by clerks sent by the District Magistrate,—care being taken that the records are not removed from the Judge's Office.

## Copies.

6. [1][*Applications for information and for copies—C. O. No.* 12 *of* 25*th November* 1882.]—

I.—All applications for information or for copies of papers or documents, shall be made at a place and to the officer designated by the Distict Magistrate for that purpose, between the hours of 12 and 2.

II.—The officer to be so designated shall be either the record-keeper or such other paid ministerial officer of the Magistrate's Court as can be spared.

III.—The application shall be on a printed form A in duplicate, to be obtained from the Head Clerk at the price of 1 pice or ¼ anna per sheet. The applicant is to present it with the duplicate spaces reserved for the date, his name and residence, and the particulars of the information required filled up. The officer receiving such application is to enter in duplicate in the first column the consecutive number, and in the fifth column his signature. If he can furnish the information at once he will note the same on the upper portion of the form in the column for remarks and make that part over to

[1] This rule reproduces the following Civil Circulars, which have been extended to Criminal Courts in Bengal and Assam with the sanction of the Government of India:—

C. O. No. 18 of 23rd June 1870.
C. O. No 22 of 28th May 1879.
Rule No. 20 of 16th October 1882.

The copying charge should be levied by means of impressed stamps—(*H. C.* 163, 1883).

After rule 5, clause (*b*), *ibid*, at pages 172-173, *insert* the following :—

(*c*) [*G. L. No. 2 of 23rd May, 1894.*]—When a Sessions Judge has occasion in any judgment, whether at a Sessions trial, or on appeal or in revision, expressly to condemn or to praise the action of the Police or of any particular Police Officer, a copy of such judgment should be forwarded to the Magistrate of the District for his information.

In the third line of Rule 6, clause III, Chapter IV, page 173, after the words and figures "or $\frac{1}{4}$ anna per sheet" *insert* the words and figures "or 100 for a rupee." (*H. C. Progs, February, 1893, Nos. 328, 329, Civil.*)

the applicant, taking the latter's receipt in the column for remarks in the lower portion, which will be retained and recorded in the office. If he cannot furnish the information at once, he will enter in duplicate, in the fourth column of the form, the date by which the information can be furnished. The upper and lower portions of the form, with columns 1, 2, 3, 4, and 5 thus filled up, will then be separated. The lower part will be made over to the applicant, with a direction to return with it at the time fixed. The upper portion will be passed on to the amlah, to whose department it pertains, who will enter in the column for remarks the necessary information, and return it to the receiving officer before the time prescribed. On the applicant's re-appearance, this upper portion, bearing the information, will be made over to him, and the lower portion, bearing his dated receipt in the column for remarks, will be taken from him and recorded in the office.

†IV.—When a copy of a judgment or decree or any other document is required, the party requiring the same shall deliver to the Officer designated by the Magistrate under Rule I an application signed by his Vakeel or by his authorised agent, or by himself, if acting in person, in Form B, which will be obtainable in loose sheets in the same way and at the same cost as Form A. Every such application shall be numbered consecutively as received, and it shall be the duty of the Officer to whom the requisition is delivered at once, if possible, or during the same day, or not later than the following day, to ascertain the amount of the fees payable for the copy asked for, and at the same time to inform the applicant thereof. When such information cannot be given at once, the Officer shall inform the applicant when he may expect to obtain it, and it shall

be the duty of the applicant to attend at the time named. The amount shall always be noted on the back of the requisition, and the applicant shall be required to put his signature thereto as an acknowledgment of his having received the information. The body or main portion of the form shall then be passed on into the office with a memorandum stating the date and hour by which the copy is to be ready, and a corresponding note shall be invariably made on the counterfoil which is to be returned to the applicant.

V.—Care will be taken to have the copy ready in each case by the time fixed, before which it will, with the body of Form B attached to it, be handed back to the record-keeper or other officer, who, on the original applicant's appearance with the counterfoil, will make over the copy to him, taking his receipt for the same in the last column of the form for remarks, in which the date of such receipt will also be noted. These forms will then be recorded in the office, filed in the order of their admission in a separate series for each month. At the close of each quarter they will be examined by the Head Clerk, who will bring to notice any irregularity or unpunctuality that may be apparent in the department. At the end of the year the Magistrate, after satisfying himself as to the working of the office by an inspection of the forms recorded during the year, may direct their destruction.

VI.—The Magistrate is to license as many copyists, to be selected as far as practicable from the apprentices in his office,—regard of course being had to their efficiency,—as may be required for the purpose of supplying all applicants with copies without inconvenient delay; and no one but a licensed copyist is to be employed in the preparation of copies.

On each copy the amount of the fee received is to be noted as follows:—

Number of words
(English or vernacular)
in the copy at
anna per words is ... Rs 0 0 0

Received payment,
A. B.,
*Licensed Copyist.*

VII.—Copies of maps and plans cannot be supplied from the Magistrate's office, but application should be made to the offices where the original maps are deposited.

VIII.—The number of copyists licensed must[1] not be greater than will admit, under ordinary circumstances, of each Vernacular copyist earning at least Rs. 12, and of each English copyist earning at least Rs. 20, per month. Each copyist is to keep a register[2] showing his receipts, which he is to submit once a month to the Magistrate, who will thus be enabled to regulate the establishment of copyists and to reduce the number, if required, with reference to the provisions of the preceding rule. The Magistrate may, under pressure of work, depute to his Head Clerk the duty of examining these registers; but he is under no circumstance to omit doing so himself at least once a quarter, and a certificate of his inspection of these books is always to be inserted in the Annual Report.

(*b*) [*C. O. No.* 10 *of* 21*st July* 1884.]—The number of copyists in each office must be so reduced as to bring

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[1] Altered by C. O. No. 10, dated 21st July 1884.

[2] The Register need not be in any particular form, and should not be in that prescribed for application for copies (see page 205). It is merely intended as a day-book of daily earnings, such as are represented by the slips torn off the copies as vouchers. All that the Register need show is the sum each man is earning, so that the establishment may be regulated as directed in this clause—(*H. C.*, 1014 *of* 1883).

the earnings of each at least up to the prescribed minimum. No copyist shall be employed, or, if already employed, retained in employment, whose work is carelessly performed or whose handwriting is illegible or difficult to decipher. The copying departments should, where practicable at the head-quarters of a district, be amalgamated into a single separate department, of which the salaried examining clerk shall be the chief ministerial officer. All the copying work required by the several Magistrates' Courts at head-quarters should be done by the District Magistrate's copying department.

IX.[1]—A fee of 4 annas shall be charged for searching for all documents of which copies are applied for, whether certified* or uncertified. This fee shall be levied by means of a Court fee stamp to be affixed to all applications

* *Vide* Section 63 of Act I of 1872 (The Indian Evidence Act).

[1] Searching-fees should be shown in column 7 of the "Detailed Daily Register of Court-fees realised" (Chapter V, Rule 1, at page 214), and treated as fees payable under Schedule II, Act VII of 1870. A note should be kept in each office of the amount so treated—(*H. C.*, 238 *of* 1883).

This fee is intended to meet all cases of search; no distinction being made between searches which entail a small amount, and those which require a large amount, of labour—(*H. C.*, 881, 1883).

These orders do not contemplate that 25 searching-fees should be charged for copies of 25 depositions if taken from the same record, and asked for in the same application. Under these circumstances, only one searching-fee should be charged—(*H. C.*, 225, 1883).

Under Act VII of 1870, Schedule 11, Art. 1, (*a*) paragraph 5, only one application with a single Court-fee stamp of one-anna is necessary when a copy is applied for of any number of documents on the same record: but when copies are required of documents in more than one record, there must be a separate application with a separate stamp for each case—(*H. C.*, 1187, 1881, and 1749, 1882).

It was not intended by clause ix to prescribe a searching fee in respect of applications for certified copies—(*H. C.*, 258, 1883).

Clause ix is not intended to apply to applications for certified copies such as are contemplated by section 76 of the Evidence Act, I of 1872; or such as, under sections 217 and 580 of the Civil Procedure Code, the parties are entitled to receive. No searching-fee should be charged in respect of copies required of papers which have not yet been deposited in the record-room—(*H. C.*, 259 *and* 1700 *of* 1883).

Amended by C. O. No. 10 of 21st July 1884.

*Insert* the following as a Note to Rule VIII, Chapter IV, page 176, *viz.* :—

NOTE.—This Rule merely lays down a standard below which the earnings of each individual copyist must not be allowed to fall. When it is possible to reduce the number of copyists without causing inconvenience to the public or delay in supplying copies, it is desirable in the interests of efficiency that the reduction be carried out, so as to raise the average rate of pay.—(*G. L. No. 10 of 8th May 1902, Civil.*)

Add the following to the last note at the foot of page 177,—and Rul
No. [illegible] of 11th December 1902.

for information or copies, except such copies as the law requires to be given free of cost. The stamp shall, in the case of applications for copies in Form B, be, in addition to the one-anna stamp required under Article I (*a*), Schedule II of the Court-fees Act, VII of 1870, on such applications. In the case of applications for information, the searching-fee shall be the only fee required to be affixed to Form A. One searching-fee only shall be charged for any number of copies taken from the same record and included in the same application. No searching-fee shall be charged in respect of copies of papers which have not been deposited on the rack of the record-room.

X.—No fees are to be required or paid for searching or copying papers wanted by public Officers for public purposes.

XI.—The record-rooms are not open to the public generally, but public Officers of the district (including Head Clerks) and Pleaders may enter the record-room and examine the record of any case in the presence of the record-keeper or one of his assistants. Pleaders before making such examination should pay the fee prescribed by Rule IX.[1]

XII.—Loose sheets of Forms A and B should be indented for on the Superintendent of Government Stationery. Either English or Vernacular forms may be thus indented for, as translations of Forms A and B in the Vernaculars have been sent by the Court to the Superintendent.

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[1] "Record-room" is the room set apart for the storage of records of *decided* cases: and "record-keeper" is the ministerial officer in immediate charge of such records. No searching-fee should be charged to Pleaders for looking at the records of *pending* cases (*H. C.*, 815, 1883).

## A.

### FORM OF APPLICATION FOR INFORMATION [1]

| Number and date. | Name and residence of applicant. | Nature of the information required. | Date on which the information is to be ready. | Signature of Officer receiving the application. | REMARKS. |
|---|---|---|---|---|---|
| | | | | | |

NOTE.—These forms may be procured from the Head Clerk of the Court at 1 pice per single form, or 100 for a rupee.

The person applying for information is to fill up columns 1 (except the No.), 2, and 3, and present it to the Officer appointed to receive such applications, who, if the information required cannot be immediately supplied will fill up, tear off, and return the bottom part of the form to the applicant.

[1] Applications for copies must bear a Court-fee stamp of one anna under Art. 1 (*a*) Schedule II of Act VII of 1870. Applications for information only require no Court-fee stamp—(*H. C.*, 249, 1882.)

Sale-proceeds of these forms should be credited to "Petty Receipts" under Rule 5 (*f*) of the Account Rules,—(*H. C.*, 733, 1883.)

In the third line of the Copyist's report in the form of application for copies at page 171 of the same chapter, *for* the figure and word "2 annas" *substitute* "3 annas." (*Slips for July 1891.*)

In the space provided for expedition fees in the form of application for copies in Chapter IV at page 180, for the words "court-fee stamp of the value of 1 rupee," *substitute*—the extra Court-fee stamps required by Rule 7, Clause (*i*). (*H. C. Progs., July, 1892, No. 90.*)

*Insert* the following as an additional note at the foot of the "FORM OF APPLICATION FOR COPIES" reproduced at page 180:—

NOTE.—These forms may be procured from the Head Clerk of the Court at 1 pice per single copy or 100 for a rupee. (*H. C. Progs, February, 1893, Nos. 328, 329, Civil.*)

## B.

## FORM OF APPLICATION FOR COPIES.

*(C. O. No. 2 of 2nd February 1885.)*

Petition for copy.

| Court fee stamp of the value of 1 anna. | If the copy is wanted on the day of application, court-fee stamp of the value of 1 rupee must be attached here. |
|---|---|

Application is made by me, the undersigned, for certified / uncertified copy of in the case *versus* decided by the of on the *Dated* 189 .

(Signature of applicant.)

---

| Copyist's report— | Rs. | A. | |
|---|---|---|---|
| The copy applied for will amount to folios and will require stamped sheets each of the value of 2 annas, total . | | | These were filed by the applicant on the |
| Also court-fee stamps (for certified copy) . | | | |
| Also extra court-fee stamps for urgency . | | | |
| Also 4-anna court-fee stamps for searching-fee . . . . . | | | *Dated* |
| Total . | | | |

(Signature of copyist.)
*Dated* 189 .

(Signature of Court.)

---

Received from an application for copy of in the case of *versus* decided by the of on the

*Dated* 189 .

(Signature of Court.

NOTE.—This portion of the form must be filled up by the applicant. He will receive it back signed by the Court, and on his presenting it, either personally or by an agent whose name has been endorsed on the back, on the first open day after to-day and on supplying with it the necessary stamped papers, he will (there being no objection) be granted a copy.

*N.B.*- The forms of applications for copies now in use can be used while the present stock lasts.

Sale proceeds of these forms should be credited to "Petty Receipts" under Rule 5 (7) of the Account Rules.

These forms are also supplied in Bengali, Hindi, and Uriya.

7. [*Charges for copies*[1]—*C. O. No.* 1 *of* 24*th January* 1890.]—(*a*) In all Criminal Courts, a uniform charge shall be made for the preparation of copies, whether certified or uncertified, at the rate of 3 annas per folio. This term, it is to be carefully explained to all subordinate officers, merely denominates a certain quantity of manuscript; the folio to consist of 150 words English or of 300 words Vernacular, 4 figures counting as one word.

(*b*) This charge shall be levied by means of an impressed stamp of 3 annas[2] on each sheet of paper corresponding with the folio to be provided by the applicant for a copy. Each of these sheets shall contain a folio,—that is, 150 words English or 300 words Vernacular. As there are 25 lines in each sheet, no line shall contain more than 6 words English or 12 words Vernacular.

(*c*) All copies, whether certified or uncertified, must, before issue, be examined by a salaried officer.[3] The copies themselves will, in all cases, be made by section-writers, who will be remunerated at the rate of 2 annas per folio.

(*d*) Uncertified copies may be converted into certified copies upon the application of the person to whom

[1] These Rules take effect in the Lower Provinces in Bengal from the 1st April 1890, and in Assam experimentally for one year from 1st April 1891.

[2] Till such stamps are available, the sheets now in use for copies, each bearing an impressed (non-judicial) stamp of 4 annas, will, after they have been over—printed with the words "3 annas" in English and in the Vernacular, be sold for 3 annas per sheet.

[3] The duty of examining copies should, as a rule, be entrusted to the comparing or examining Clerks, or if there are none in the office, to the Head Clerk or Sheristadar. The copyists must not be allowed to examine for each other.

Uncertified copies should only be marked as "examined" and initialled by the Examiner.

they have been granted, and upon his filing with such application the necessary Court-fee stamps required by law.

(*e*) Certified copies must be "certified to be a true copy," must bear the seal of the Court, and must be signed in full, if not by the Presiding Officer, then by the officer hereinafter named, *viz.*,—

*at the head-quarters of a district*—

all certified copies,—by the Head Clerk of the Court of the District Magistrate;

*in Courts at subdivisions*—

all certified copies,—by the Head Clerk of the Court of the Subdivisional Magistrate.

In every case the certifying officer will append to his signature the words "authorised under Section 76, Act I of 1872."

The words

| |
|---|
| Certified to be a true copy<br><br>authorised under Section 76, Act I of 1872. |

may be impressed by means of a stamp.

(*f*) One-third of the charge of 3 annas per folio, levied by means of the impressed stamp, represents the payment to Government on account of the salary of Examiners, cost of paper, &c.; the remaining two-thirds will represent the earnings of the section-writers, whose accounts will be made up monthly, and the amount due to each paid out of contingencies.[1] These payments

[1] The copyist is paid by the folio; he would get his pay according to the number of folios copied, whether the copies are subsequently taken out or not—(*H. C. No.* 2168, 1881).

must be checked at the time with the upper part of each stamp, which, when the copy is ready, must be torn off each sheet, along the perforated line, and then endorsed with the copyist's name, and kept till the end of the month. Care must be taken to see that nothing in excess of two-thirds of the amount realized in stamps is paid away.

(*g*) To prevent the risk of stamped slips being used more than once, the officer passing a copyist's account will, after checking it as directed, tear the slips to pieces and cause them to be burnt in his presence. A certificate that this has been done must be attached to the contingent bill on which the copyists' fees are drawn.

(*h*) To protect the interests of the Government, care must be taken to see that all copies issued from the Courts are prepared on the prescribed stamp paper; they must be written on one side of the sheet only, and must not contain more than the authorised number of words. On the other hand, care must be taken to see that applicants are not imposed upon by the copyists spreading their writing over a larger number of sheets than is necessary. By insisting on the number of lines in each sheet being uniform, control may easily be exercised in this matter, the number of words in a few of the lines in each folio being checked. The business of a copyist is (like most other occupations) one calling for skill, and greatly dependent for its successful practice on experience; copyists, therefore, must possess or acquire skill in their business, or they ought not to be retained. Copyists who fail to do their work satisfactorily must be removed.

(*i*) When an applicant requires his copies to be furnished on the day of application, an extra fee of one

After clause (*h*) of Rule 7, Chapter IV, page 183, *insert* the following:—

(*h.h*) [1] The officer entrusted with the duty of examining a copy shall be held responsible for the copy being written with proper ink. If such officer finds that a copy, the preparation of which is paid for, has not been written with proper ink, he shall require a fresh copy to be made by the section-writer and the section-writer shall bear the cost incurred in making the fresh copy.—(*Rule No. 3 of 29th May 1901.*)

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Published in the *Calcutta Gazette* of the 15th May, 1901, Part I, page 594, and in the *Assam Gazette* of the 25th *idem*, Part IIA, page 426.

[1] All copies, whether granted free of cost or on payment should be written legiuly with good ink (*G. Ls. Nos. 2 and 3 of 1st April 1901.*)

rupee (or, if the copies exceed four folios, of 4 annas for each folio)[1] shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp, which should be affixed to the application for the copy and be entered in the Register for Court-fee stamps. Care, however, is to be taken that other applicants for copies do not materially suffer by the arrangement. If the granting of other copies be much delayed by this rule, an extra hand ought to be told off to furnish their copies.

(*j*) Under ordinary circumstances, the time for furnishing the copies required shall not be later than 1 P.M. of the fifth open day after the presentation of the application.

(*k*)[2] When a copy of a judgment, sentence, or order is granted, the following particulars must invariably be recorded on the back of the copy itself, and in the form[3] given below for the information of the Appellate Court (Section 12, Act XV of 1877):—

Date of application for the copy ——————————

Date of delivery of the requisite stamped sheets ——————————

Date on which the copy was ready for delivery[4] ——————————

Date of making over the copy to the applicant ——————————

(*l*) In the case of certified copies, the court-fee chargeable under the Court-fees Act should be levied by affixing the necessary stamp to the first folio of the copy.

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[1] This is a fee for credit to Government, and no part of it is payable to the copyists. Expedition fees should be shown in column 5 of Annual Statement I, Part IV.

[2] Inserted by C. O. No. 1 of 18th June 1883.

[3] This form is printed on the reverse of the stamped sheets now in use for copies.

[4] Compare IX, C. L. R. 293, which is to be strictly followed—(*H. C.* 1757, 1883).

(*m*) In the case of maps and plans, no general rule can be laid down. In each case a charge will have to be fixed with reference to the difficulty or intricacy of the work to be done. Half will be paid to the copyist, and half credited to Government on account of examination fees and cost of materials.[1]

8. [*Copies of Convictions and Sentences of Persons in the Military Department—C. O. No.* 6 *of* 17*th July* 1871.]—Judicial Commissioners, Sessions Judges, and Magistrates will forward to the Military Department of the Government of India a copy of the conviction and sentence in all cases in which persons serving under the Government of India in that Department are convicted in a Criminal Court.

9. [*Copy of Judgment of Sessions Judge, how and for what purpose obtainable by District Magistrate—C. O. No.* 1 *of* 8*th January* 1864]—Whenever an application is made by the Magistrate of the District to the Sessions Judge for a copy of any of the proceedings before the Court of Session, the Judge shall permit a copy to be made by any person whom the Magistrate may depute for that purpose. Such copies will be granted only for the

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[1] In Criminal cases, parties are entitled to obtain copies, certified or uncertified, of any portion of the record of trial; this ruling covers such Police-papers as may be made use of as evidence at the trial. As regards other Police-papers, the High Court can pass no orders.—(*H. C.* 1972, 1880, *and* 1652, 1882).

Complainants must pay copying fees whenever they want copies. But an accused is, under Section 371 of Act X of 1882, entitled, in cases other than summons cases, to a copy of the judgment absolutely free of charge and on plain paper.—(*H. C. Proceedings, May* 1881).

As a general rule, copies of exhibits in a Criminal case should certainly not be granted to persons who are strangers to the case. A Magistrate should use his discretion in each case, acting on the general principle that no copies should be given to a stranger without very good cause being shown—(*H. C.* 82, 1882).

information and guidance of Magistrates and committing Officers, who are not at liberty to cavil at the judgment of the Sessions Court, or enter into any discussion with the Judge upon its merits.

10. [*Copies of Letters and Resolutions of the High Court—C. O. No.* 160 *of* 19*th April* 1844.]—(*a*) Applications made to the local authorities for copies of any letters from, or resolutions passed by, the High Court, must be referred to the Court for orders. Copies of such documents may not be granted by the local authorities.

(*b*) This rule is not to be considered to apply to the sentences of the High Court in criminal trials.

# CHAPTER V.

## RULES RELATING TO REGISTERS, REPORTS, AND PERIODICAL STATEMENTS.

### Registers.

1. [*C. O. No.* 8, *dated the* 16*th December* 1890—*Rules*[1] *for the Maintenance and Destruction of the Registers of Subordinate Criminal Courts.*]

1. IN supersession of all previous orders on the subject, the Court is pleased to prescribe the Registers, of which lists and forms are appended, to be kept in the Criminal Courts subordinate to it.

2. The Registers are shown under four classes—

(*a*) Primary Registers.
(*b*) Subsidiary Registers.
(*c*) Statistical Registers.
(*d*) Accounts Registers.

The Primary Registers are those which have to do directly with cases filed in Court, and which form a *quasi*-record of the progress and disposal of such cases. The Subsidiary Registers are for administrative purposes, and the Statistical Registers are for the purpose of preparing the returns. The Accounts Registers are those which have to do with the receipt and payment of money.

3. The classes of Courts in which the different Registers are to be kept up, and the periods for which

[1] These rules came into effect from the 1st of January 1891.

Published in the *Calcutta Gazette* of the 24th December 1890—Part I, pages 1251—1305, and in the *Assam Gazette* of the 27th Idem—Part III, Pages 740—750.

they are to be preserved, are shown in the accompanying lists, and on the forms themselves. The periods stated therein are to be reckoned from the date of the last entry in the Register, and the Court is pleased to direct, under section 2 of Act III of 1879, that, at the expiration of those periods, the Registers shall be destroyed. It is not necessary to open new Registers in every instance each year.

4. While the Court does not positively forbid the maintenance of other Subsidiary or Statistical Registers in the various Criminal Courts subordinate to it, the accompanying lists specify all the Registers which, it is believed, are absolutely necessary either for judicial or administrative purposes.

*Supplementary Instructions.*

6. *Primary Register* 9 (*Register of Convicts—C O. No.* 5 *of 5th July* 1865). (*a*)—For the purpose of enabling Magistrates to ascertain whether parties charged before them have been previously convicted of any of the offences for which enhancement of punishment is provided, on a second or subsequent conviction, by section 75, Act XLV of 1860 (Penal Code), and section 4, Act VI of 1864 (Whipping Act), and for purposes of general statistical information, Registers shall be maintained in Magistrates' offices in the form of Register No. 9 :—

(*b*) These Registers shall contain the names of parties convicted of any of the crimes specified in the margin, and shall be in the language and character in use in the District Courts, varying according to the vernacular of the district. Every conviction, as sentence is passed, must be entered in the office of the Magistrate of the district by the officer whose duty it is to keep

1. Offences relating to coin and Government stamps (Chapter XII, P. C.).
2 Offences against property (Chapter XVII, P C).
3. Giving or fabricating false evidence (secs. 193 to 195, P C).

4. Falsely charging any person with having committed an unnatural offence (secs. 211 and 377, P. C.).
5. Assaulting or using criminal force to any woman with intent to outrage her modesty (sec. 354, P. C).
6. Rape (sec. 375, P. C.).
7. Unnatural offences (sec. 377, P. C.).
8. Forgery (secs 465, 466, 467, 468, 469, P. C.).
9. Culpable homicide (sec. 304).
10 Causing grievous hurt (secs. 325, 326, 329, 331, 333, 335, 338).

the Register of Convicts. In cases committed to the Sessions, the entry shall be made on sentence being passed by the Sessions Judge. If a prisoner be released on appeal, whether by the Judge or by the Magistrate, a note should be made in the column of remarks, giving the date and purport of the order of the Appellate Court.

(*c*) Similar Registers shall be kept up in the same manner by Sub-divisional Officers regarding the offences specified which may have been committed within their respective jurisdictions, and of which any persons may have been convicted. These officers should report to the Magistrates the entries of the past month regularly at the commencement of each successive month for incorporation in the general District Register.

(*d*) To ensure the proper preparation and keeping up of the Register, the Magistrate or other magisterial authority in charge shall require the officer, whose duty it is to prepare it to bring the Register for his inspection and signature at least once every week.

(*e*)[1] At the close of the year an alphabetical Index of the parties convicted within the twelve months should

[1] This clause was amended on the revision of the Cr. R. & O. in 1883.—(*Vide H C. Progs., April* 1883).

*Insert* the following as an additional note to Rule 1, Sub-rule 6, clause (*e*), Chapter V, at page 189:—

The Index referred to in this clause should be prepared at Sub-divisional as well as at District Head-Quarters. (*H. C. Progs., June and August, 1892, Nos. 98 and 110.*)

be made for facility of reference; and at the close of every fifth year an alphabetical Index should be prepared from the alphabetical Indices of the previous five years.

(*f*) When a prisoner has been convicted more than once, a note to that effect should be made against his name in the Register opened for that purpose.

(*g*) [*C. O. No.* 10 *of 3rd September* 1878].—As it is desirable to keep this Register in as compact a form as possible, and to save the trouble of re-copying, all Registers should be written in printed forms of uniform size, so that the sub-divisional returns may be added to the Magistrate's Register as they come in. The general Registers should be paged and stitched as a book at the close of the year when the annual alphabetical Index is made, and at the end of five years the Registers for the previous five years with the general Index should be bound together, the whole being repaged.

(*h*) [*C. O. No.* 10 *of 3rd September* 1878].—A Certificate in the form subjoined shall be annexed to the Quarterly Statement A,[1] and shall be signed by the Magistrate of the district, except when he is on tour, in which case it may be signed by the officer for the time being in charge of the Head-Quarters Office.

FORM OF CERTIFICATE.

I certify that I have inspected the Register of Convictions prescribed by the High Court General Rules, Chapter V, Rule 1, Sub-rule 6, and that it has been duly written up, and that the returns from Sub-divisional Offices for the three months of the quarter of 18 have been received and incorporated.

*Magistrate of the District.*

[1] *Vide* Chapter V, pages 245 to 247.

(*i*) [*C. O. No.* 11 *of* 1*st November* 1878].—Persons convicted of offences which are not punishable with whipping, or with imprisonment for a term of three years or upwards, shall not be entered in the "Register of Convicts," although the charge may have been one falling under Chapter XII or XVII of the Indian Penal Code.

7. *Subsidiary Register No.* 5 (*Register of Applications for Copies*).—The comparing clerk and not a copyist must be in charge of this Register.

8. *Subsidiary Register No.* 6 (*Register of Pleaders and Mukhtars*).—There shall be maintained in the Court of every Sessions Judge, District Magistrate, or Sub-divisional Magistrate a Register, in the form prescribed, of all Pleaders and Mukhtars enrolled in it under sections 8 and 9 of the Legal Practitioners' Act (XVIII of 1879).

9. *Accounts Registers Nos* 3 *and* 4 (*C. O. No.* 23 *of* 22*nd December* 1877 *and Rule No.* 10 *of* 8*th September* 1881).—The detailed Daily Register of Court-fees realised shall be kept in order to secure the accuracy of entries made in the Abstract Daily Register of Court-fees realised, and the instructions at the foot of the form shall be carefully observed.

The form of Abstract Daily Register of Court-fees realised has been prescribed for adoption by the Government of India, and shall be regularly maintained. The entries in this Register are not to be made in detail, but only so as to show the aggregate value of the stamps filed in Court during each day under each of the five classes indicated. The entries shall be initialled daily by the presiding officer.

*Cancel* Rule 1, sub-rule 9, page 191, *ibid.* (*Slips for February, 1892.*)

In the "*List of Registers*" reproduced at page 192 under the head "A.—PRIMARY REGISTERS" *cancel* the entry:—

"9...Register of Convicts...Courts of District and Sub-Divisional Magistrates...For ever." (*C. O. No. 2 of 27th May, 1895.*)

## *List of Registers to be maintained in the Criminal Courts of Bengal.*

### A.—PRIMARY REGISTERS.

| No. | Name of Register. | By what Courts to be maintained. | Period for which to be preserved. | REMARKS. |
|---|---|---|---|---|
| 1 | Register of complaints of offences ... | All Courts empowered to receive complaints. | 7 years. | |
| 2 | Magistrates' General Register of cases cognizable by the Police. | Courts of District and Sub divisional Magistrates. | 7 ,, | |
| 3 | Register of unimportant cases cognizable by the Police, in which the first information report is not used. | Ditto ... ... | 7 ,, | |
| 4 | Register of Miscellaneous Cases ... | Courts of Sessions Judges and of District and Sub divisional Magistrates. | 7 ,, | |
| 5 | Trial Register .. ... ... ... | All Magistrates' Courts | 7 ,, | |
| 6 | Register of Appeals ... | All Appellate Courts | 7 ,, | |
| 7 | Register of Revision Cases | Ditto ... .. | 7 ,, | |
| 8 | Register of Warrants of Imprisonment. | All Criminal Courts | Till all the prisoners have been released. | |
| 9 | Register of Convicts . ... .. | Courts of District and Sub divisional Magistrates. | For ever. | |

### B.—SUBSIDIARY REGISTERS.

| No | Name of Register. | By what Court or Officer to be maintained. | Period for which to be preserved. | REMARKS. |
|---|---|---|---|---|
| 1 | Register of Petitions . | All Criminal Courts | 3 years. | |
| 2 | Register of Attendance of Witnesses | Ditto . | 3 ,, | |
| 3 | Register of Processes .. .. | Courts of District and Sub-divisional Magistrates. | 3 ,, | |
| 4 | Register of Affidavits .. . . | All Criminal Courts . | 3 ,, | |
| 5 | Register of Applications for copies | Ditto | 3 ,, | |
| 6 | Register of Pleaders and Mukhtars | Courts of District and Sub divisional Magis | For ever | |

In the list of "SUBSIDIARY REGISTERS" printed at page 192, Chapter V, *insert* the following —

| | | | |
|---|---|---|---|
| 7 | Diary . | All Criminal Courts | 3 years. |

(*C. O. No. 8 of 10th September, 1892.*)

## C.—STATISTICAL REGISTERS.

| No. | Name of Register. | By what Court or Officer to be maintained. | Period for which to be preserved. | REMARKS. |
|---|---|---|---|---|
| 1 | Register showing under each head of crime the number of offences reported, of cases struck off as false, and of cases brought to trial. | Courts of District and Sub-divisional Magistrates. | 1 year. | |
| 2 | Register showing under each head of crime the number of persons acquitted or discharged and convicted. | Ditto ... | 1 ,, | |
| 3 | Register of cases decided ... | All Magistrates' Courts | 1 ,, | |
| 4 | Register showing the particulars of whipping. | Courts of District and Sub divisional Magistrates. | 1 ,, | |
| 5 | Register showing under each head of offence the general result of the trial of European British subjects. | Ditto and Magistrates of the 1st class. | 1 ,, | |

## D.—ACCOUNTS REGISTERS.

| No. | Names of Registers | By what Court or Officer to be maintained. | Period for which to be preserved. | REMARKS. |
|---|---|---|---|---|
| 1 | Register of Fines ... ... | Courts of District and Sub divisional Magistrates | 12 years | |
| 2 | Monthly Balance sheet of Fines | Ditto | 12 ,, | |
| 3 | Register of Warrants for the Levy of Fines | At all Police Stations | 12 ,, | |
| 4 | Detailed Daily Register of Court fees realized | All Criminal Courts | 3 ,, | |
| 5 | Abstract Daily Register of Court-fees realized | Ditto .. | 3 ,, | |
| 6 | Register of Chalans | Court of District Magistrate | 12 , | |
| 7 | Register of Chalans for petty receipts. | Ditto ... | 12 ,, | |
| 8 | Register of payment orders ... | Ditto ... | 12 ,, | |
| 9 | Register of A Deposits received | Ditto .. | For ever. | |
| 10 | Register of B Deposits received .. | Ditto .. | For ever | |
| 11 | Register of A Deposits repaid | Ditto | 12 years. | |
| 12 | Register of B Deposits repaid | Ditto ... | For ever 12 years | |
| 13 | Register of account particulars of A Deposits | Ditto ... | 12 years forever | |
| 14 | Register of Stamp-duties and penalties paid | Ditto ... | 12 ,, | |
| 15 | Register of refunds of value of Court fees. | Ditto .. | 12 ,, | |
| 16 | Register of Miscellaneous Receipts. | Ditto ... .. | 12 ,, | |
| 17 | Treasury pass book .. .. | Ditto .. | 12 ,, | |
| 18 | Peremptory Cash Book | Ditto . | 12 ,, | |
| 19 | General Cash Book .. | Ditto .. .. | 12 ,, | |
| 20 | Register of Counterfoils of receipts granted. | Ditto ... .. | 3 ,, | |
| 21 | Register of contract contingent charges. | Ditto | 12 ,, | |
| 22 | Register of contingent charges | Ditto ... | 12 ,, | |

In column 1 of the forms of Primary Registers Nos. 1, 2, 3, 4 and 5, reproduced on pages 194 to 198, for the headings "Serial" and "consecutive number for the month" *substitute* "Serial number for the year".—(*H. C. Progs., November, 1894, No. 118.*)

## *List of Registers to be maintained in the Criminal Courts of Bengal.*

### A.—PRIMARY REGISTERS.

#### *I.—Register of Complaints of Offences.*

(To be maintained in every Court empowered to receive complaints and to be preserved for seven years.)

| Serial No. for the month. | Date of complaint. | Name of complainant. | Number and names of accused. | Offence charged, and under what section of what law. | Orders passed, with dates. | | Remarks |
|---|---|---|---|---|---|---|---|
| | | | | | Preliminary. | Final. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

NOTE.—Each Court will have a serial number of its own.
The column headed "Preliminary" is intended to show orders of transfer, if any.
The dates of adjournment of each case should be noted in column 6.

N 2.

Cancel the last note at the foot of the "*Register of Complaints of Offences*" at page 185.

## 2.—*Magistrates' General Register of Cases cognizable by the Police*

[To be maintained in the Courts of District and Sub-divisional Magistrates and to be preserved for seven years ]

| Serial number for the month. | Police-station. | First Information of Case. | | | | | | | Result of Police investigation | | | | | Orders passed with dates | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Police-station number. | Dates of | | | Crime as reported to Police, with Section of Penal Code or other law. | Names of parties concerned. | Magistrate's initials. | Date of | | Showing arrests made, &c. | Crime established before Police, with Section, &c. | Form of final report | | | |
| | | | Occurrence | Information to Police | Report before Magistrate | | | | Final report. | Submission to Magistrate | | | | Preliminary. | Final. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| | | | | | | | | | | | | | | | | |

NOTE.—Every order of transfer shall be entered in column 15

3 — *Register of unimportant Cases cognizable by the Police, in which the first information report is not used.*

[To be maintained in the Courts of District and Sub divisional Magistrates and to be preserved for seven years.]

| Consecutive numb for month. | Police-station. | Complainant. | Accused. | Date of arrest. | Offence with Section, &c | Orders passed with dates. | | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Prelim-inary. | Final. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

NOTE.—Every order of transfer shall be entered in column 7.

## 4.—*Register of Miscellaneous Cases.*

[To be maintained in the Courts of Sessions Judges, District and Sub-divisional Magistrates, and to be preserved for seven years.]

| Serial number for the month | Date of institution. | Name of the informant. | Nature of Case and section of Code or other Act applicable. | | | Persons against whom the information is laid. | | Orders passed with dates. | | Number of persons discharged. | Number of persons against whom order is made. | Persons ordered to find or give | | | Persons imprisoned in default of security for good behaviour. | | Persons imprisoned in default of security to keep the peace. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Sections 107 & Criminal Procedure Code. | Sections 109-10 Criminal Procedure Code | Other cases. | Number. | Names. | Preliminary. | Final. | | | Sureties to keep the peace. | Recognizance to keep the peace. | Sureties for good behaviour. | One year and under. | Three years and under. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | | | | | | | | | | | | | | | | | | |

NOTE.—Register 1 is a register of *complaints of offences*, and Registers 2 and 3 relate only *to cases cognizable by the Police*. In this Register (4) will be entered all other cases whether instituted by formal complaint or on other information. Such cases are those falling under sections 87, 88, 107, 108, 109, 110, 133, 143, 144, 145, 191(*c*), 480, 485, 488 and 514, Code of Criminal Procedure.

Every order of transfer shall be entered in column 9.

Columns 11—17 are intended to facilitate the preparation of annual statements 3 and 5.

The entries in column 18 are not required to be shown in annual statement No. 5.

*Insert* the following as a note to the form of Register of Miscellaneous cases printed at page 197, Chapter V :—

This Register is intended to show *all* cases instituted and dealt with in the District or Sub-division, as the case may be. When Subordinate Magistrates deal with such Miscellaneous cases, their Bench clerks should, at regular intervals, furnish the Head Mohurrir of the District or Sub-divisional Magistrate with information regarding them in order that they may be entered in the District or Sub-divisional Register. (*G. L. No. 6 of 10th August, 1891.*)

## 5.—*Trial Register.*

*Register of cases instituted or received by transfer for enquiry or trial in the Court of Magistrate of*

(To be maintained in all Magistrates' Courts, and to be preserved for seven years.)

| Serial number for the month. | Serial Number in the | | | | Date of receipt of case. | Name of complainant or informant. | Name of accused. | Nature of the case with the section of the Penal Code or other Act applicable. | Final order and date. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| | Register of complaints of offences. | Magistrates' General Register of cases cognizable by the Police. | Register of unimportant cases cognizable by the Police, in which the first information report is not used. | Register of miscellaneous cases. | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

NOTE.—Each Court will have a Serial No. of its own.

The result of any appeal or application for revision should be entered in the column of Remarks.

## 6.—*Register of Appeals.*

(To be maintained by all Appellate Courts and to be preserved for seven years.)

| Serial number for the quarter. | Date on which the Appeal was filed. | Names of Appellant or Appellants. | From whose order Appeal is preferred. | Sentence or order appealed against. | Final order passed with date. | Remarks. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

### 7 --*Register of Revision Cases.*

(To be maintained in all Appellate Courts and to be preserved for seven years )

| Serial number for the quarter. | Date of filing application. | Number and names of applicants. | Number and names of opposite parties. | Order or sentence of which revision sought. | By whom the order or sentence was passed. | Final order passed with date. | REMARKS. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

### 8.—*Register of Warrants of Imprisonment.*

(To be maintained in all Criminal Courts and to be preserved till all the Prisoners entered therein have been released.)

| Name of person sentenced. | Date of sentence. | Term of imprisonment | Date on which the imprisonment would ordinarily terminate. | Date on which the Warrant is returned as executed by the Jail Authorities. | REMARKS. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | Y. M. | | | |

NOTE.—Prisoners should be entered according to the date of sentence in chronological order Warrants, when returned, shall be filed with the record of the case to which they belong, so as to form part of that record.

*Cancel* the form of "*Register of Convicts*" reproduced on page 200. (*C. O. No. 2 of 27th May, 1895.*)

## 9.—*Register of Convicts.*

(To be maintained in the Courts of District and Sub-divisional Magistrates and to be preserved for ever.)

| Name of the prisoner (including his *alias*, if any). | Name of his father. | Residence. | Profession or trade. | Caste. | Age or supposed age. | Height. | Personal marks, such as squint, lameness, loss of limb, permanent scars, &c. | Of what offence convicted. | Date of conviction. | Sentence passed, and by what Court convicted. | Date of previous conviction (if any) and section of the law under which convicted, and by what Court convicted. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | | | | | | | | |

BENGAL SECRETARIAT LIBRARY

## *List of Registers to be maintained in the Criminal Courts of Bengal*—continued.

### B.—SUBSIDIARY REGISTERS.

#### 1.—*Register of Petitions.*

(To be maintained in all Criminal Courts and to be preserved for three years.)

Filed in the Court of _____

| Date. | Serial number. | Number of case to which petition relates. | Subject of petition. | Date of order passed on petition. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

## 2.—*Register of the Attendance of Witnesses.*

(To be maintained in all Courts and to be preserved for three years.)

| Serial number of witnesses. | Name of witness. | Register number of case and names of parties. | First appearance. | | Second appearance. | | Third appearance. | | Total number of days in attendance at Court. | | | | | | | Examined or not. | Initials of presiding officer. | Amount paid as expenses. | Receipt of witness. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Date of attendance. | Date of discharge. | Date of attendance. | Date of discharge. | Date of attendance. | Date of discharge. | One day. | Two days. | Three days. | Four days. | Five to seven days. | Eight to fifteen days. | More than fifteen days. | | | | |
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| | | | | | | | | | | | | | | | | | | | |

*Instructions.*—This Register will show all witnesses, including complainants, in the Criminal Courts, who attend for the purpose of being examined in any case. A witness will be considered to have appeared on any day if he attended sufficiently early to allow of his deposition being recorded. Columns 1 to 4 will be filled in daily for every witness reported to be in attendance for the first time; column 5 will be filled in when the witness is discharged for the first time; and columns 6 to 9, as may be necessary, on account of the subsequent re-appearance and discharge of the same witness from time to time until the case is terminated. If any witness re-appears after being three times discharged, a new series of entries in red ink must be made in columns 4 to 9 against his name, immediately under the previous entries. Columns 10 to 18 will be filled up when the witness is finally discharged, the initials of the presiding officer being intended to vouch for the correctness of the entries. The number of days to be entered in colums 10 to 16 will be calculated by reckoning the total number of days elapsing between each successive appearance and discharge, including the days on which these occurred. In column 17 a distinctive mark should be made to show those witnesses who were finally discharged without examination, in order to assist in preparation of the Annual Returns. Any amount paid as expenses to witnesses should be entered in column 19, and, if the payment be made in Court, the witnesses' receipt should be taken at the time of payment in column 20.

NOTE.—Witnesses appearing after 12 noon are not to get credit in this register for that day's appearance.

3.—*Register of Processes.*

(To be kept in the Courts of District and Sub-Divisional Magistrates and to be preserved for three years.)

| 1 | [Serial No. of process. | |
|---|---|---|
| 2 | Nature of process. | |
| 3 | Court from which the process is issued. | |
| 4 | Number and nature of case. | |
| 5 | Name of persons on whom to be served. | |
| 6 | Place and distance from Court. | |
| 7 | No. of duplicate processes accompanying the original. | |
| 8 | Date of deposit of fula-bana. | |
| 9 | Date of receipt by Court's Inspector. | |
| 10 | Date of delivery to serving officer. | |
| 11 | Name of serving officer. | |
| 12 | No. of days allowed for service. | |
| 13 | Date of actual service. | |
| 14 | Date of return to Court Inspector. | |
| 15 | Date of return to Court. | |
| 16 | Signature of Clerk of the Court. | |
| 17 | REMARKS. | |

## 4.—*Register of Affidavits.*

(To be maintained in all Courts and to be preserved for three years.)

| Serial number of year. | Date. | Affidavits on which no fee is chargeable. | | Affidavits on which a fee is chargeable. | | Whether compulsory under the Code of Criminal Procedure or optional. | REMARKS |
|---|---|---|---|---|---|---|---|
| | | Name of declarant. | Whether peon, identifier or public officer. | Name of declarant. | Fee paid. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

## 5.—*Register of Applications for Copies.*

(To be maintained in all Courts and to be preserved for three years.)

| Serial No. | Name of applicant. | Date of application. | Nature of document of which copy or inspection is applied for, and No and year of case in which filed. | WHETHER APPLICANT REQUIRES. | | NUMBER OF FOLIOS. | | | | Extra fee for urgent copy. | Court-fees for certified copy. | Fees for search or inspection. | Date on which copy was ready for delivery. | Date on which delivery was taken. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Certified copy. | Uncertified copy. | Filed with application. | Filed afterwards with date of filing. | Used. | Returned unused. | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | | | | | | | | | | | | | | | |

NOTE.—In the column for remarks should be noted any copies which, though originally applied for and granted as "uncertified," are subsequently converted into "certified" copies. Searching fees should also be shown in column 7 of the Detailed Daily Register of Court-fees realised, and treated as fees payable under Schedule II, Act VII of 1870.

6.—*Register of Pleaders and Mukhtars enrolled in the Court of the* ———— *at*

(To be maintained in the Courts of District and Sub-Divisional Magistrates and to be preserved for ever.)

| Number in the High Court's register and year of admission. | Name and degree, if any. | Father's name. | Place where practising. | Value of stamp on certificate. | Date of last renewal. | REMARKS. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

NOTE.—The district in which a petitioner was originally enrolled should always be stated in the column of remarks when he obtains enrolment in another district.

District Judges should forward annually to District Magistrates a list of the names of any pleaders or mukhtars who have been enrolled or obtained renewal of their certificates (*G. L. No.* 3 *of* 1890 *and G.L. No.* 3 *of* 1891, *Civil.*)

## *List of Registers to be maintained in the Criminal Courts of Bengal*—continued.

### C.—STATISTICAL REGISTERS.

1.—*Register showing under each head of crime the number of offences reported, of cases struck off as false, and of cases brought to trial in the* 18.

(To be kept in the Courts of District and Sub-divisional Magistrates and to be preserved for one year.)

Number of head of crime ————.

[As per schedule attached to annual statement No. 2.]

| Serial number for the year. | SERIAL NUMBER IN THE | | | | OFFENCES REPORTED IN | | Complaints dismissed under section 203, C. P. C. | Other cases struck off as false. | Brought to trial during the year. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | Register of complaints of offences. | Magistrate's General Register of cases cognizable by the police. | Register of unimportant cases cognizable by the police, in which the first information report is not used. | Register of miscellaneous cases. | 18 | 18 | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

*Instructions.*—Cases on which orders have been passed will be entered under the proper head of crime from time to time, pending cases being added on at the end of the year. Columns 6 and 7 are meant to distinguish cases reported in the previous from those reported in the current year, but the latter only will be entered in column 3 of annual statement No. 2.

NOTE.—All cases under the schedule instituted in any Court in the subdivision shall be entered in this register. Offences under each head of crime shall be entered in a separate page or pages as necessary. The register will not be kept in the form of a bound book, but the pages for the different heads of crime will be strung together and insertions and additions made as required.

2.—*Register showing under each head of crime the number of persons acquitted or discharged, or convicted in the Court of* *in* 18

(To be kept in the Courts of District and Sub-divisional Magistrates and to be preserved for one year.)

Number of head of crime _____

[As per schedule attached to annual statement No. 2.]

| Serial number for the year. | Serial number in the Register of complaints of offences. | Serial number in the Magistrate's General Register of cases cognizable by the police. | Serial number in the Register of unimportant cases cognizable by the police, in which the first information report is not used. | Serial number in the Register of miscellaneous cases. | Acquitted or discharged. | Convicted. | Died, escaped, or transferred. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

*Instructions.*—Persons entered in columns 14 to 19 of the Register of Cases decided may be entered up under the proper head of crime in this register at the conclusion of the trial. Those entered in column 20 as committed or referred will be entered when the result in the higher Court has been ascertained; until then they will be treated as "pending." At the close of the year an account must be taken of the number of persons under each head of crime whose cases are pending in order to complete the entries to be made in annual statement No. 2.

NOTE.—Offences under each head of crime shall be entered in a separate page or pages as necessary. The register will not be kept in the form of a bound book but the pages for the different heads of crime will be strung together and insertions and additions made as required. All cases under the schedule decided by any Court in the sub-division shall be entered in this register.

2 3 —*Register of Cases decided in the Court of* _____ *exercising the powers of* _____
*at* _____ *in the year* 18

(To be maintained in the Courts of all Magistrates and to be preserved for one year.

| Serial number of the cases in this Register | 1 |
|---|---|
| Number of case in the Trial Register. | 2 |
| Date of appearance of accused. | 3 |
| Date of decision. | 4 |
| Number of days during which the case lasted. | 5 |
| NUMBER OF PERSONS DEALT WITH — Remaining at the end of last year. | 6 |
| NUMBER OF PERSONS DEALT WITH — BROUGHT TO TRIAL DURING THE PRESENT YEAR — Under arrest by police | 7 |
| BROUGHT TO TRIAL DURING THE PRESENT YEAR — Upon warrant. | 8 |
| BROUGHT TO TRIAL DURING THE PRESENT YEAR — On summons. | 9 |
| BROUGHT TO TRIAL DURING THE PRESENT YEAR — Voluntarily. | 10 |
| BROUGHT TO TRIAL DURING THE PRESENT YEAR — Received on commitment or reference | 11 |
| BROUGHT TO TRIAL DURING THE PRESENT YEAR — Received by transfer. | 12 |
| NUMBER OF PERSONS DEALT WITH — Total of columns 6 to 12. | 13 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — Died, escaped, or transferred. | 14 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — Acquitted or discharged. | 15 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — CONVICTED. — On regular trial — Appealable sentence passed | 16 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — CONVICTED. — On regular trial — Non appealable sentence passed | 17 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — CONVICTED. — On summary trial — Appealable sentence passed | 18 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — CONVICTED. — On summary trial — Non appealable sentence passed | 19 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — CONVICTED. — Committed or referred | 20 |
| PERSONS WHOSE CASES WERE DISPOSED OF. — Total of columns 15 to 20. | 21 |
| NUMBER OF CASES. — Brought to trial during the year. | 22 |
| NUMBER OF CASES. — DISPOSED OF DURING THE YEAR — On regular trial. | 23 |
| NUMBER OF CASES. — DISPOSED OF DURING THE YEAR — On summary trial. | 24 |
| Number of witnesses examined. | 25 |
| PERSONS SENTENCED TO — Death. | 26 |
| PERSONS SENTENCED TO — TRANSPORTATION — For life. | 27 |
| PERSONS SENTENCED TO — TRANSPORTATION — For a term. | 28 |
| PERSONS SENTENCED TO — Penal servitude. | 29 |
| PERSONS SENTENCED TO — Forfeiture of property. | 30 |
| | |

| PERSONS SENTENCED TO—*concluded*. | | | | | | | DETAIL OF PUNISHMENT. | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| IMPRISONMENT. | | | FINE. | | WHIPPING. | | FINE. | | | | | | IMPRISONMENT. | | | | | | | | | | WHIPPING | | | |
| RIGOROUS. | | | | | | | | | | | | | 15 days and under. | | 6 months and under. | | 2 years and under. | | 7 years and under. | | Above 7 years. | | | | | REMARKS. |
| With solitary confinement. | Without solitary confinement. | Simple. | With imprisonment. | Without imprisonment. | In addition to other punishment. | In lieu of other punishment. | Rupees 10 and under. | Rupees 50 and under. | Rupees 100 and under. | Rupees 500 and under. | Rupees 1,000 and under. | Above rupees 1,000. | Rigorous. | Simple. | Rigorous. | Simple. | Rigorous. | Simple. | Rigorous. | Simple. | Rigorous. | Simple. | 10 stripes and under. | 20 stripes and under. | 30 stripes and under. | Number of boys whose sentence were commuted to detention in a reformatory school. | |
| | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43. | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Instructions*.—A separate register must be kept for each Court, and the designation of the presiding officer and the powers exercised must be stated in the title, with a view to the entry of the figures against the proper sub-heads in column 1 of annual statement 4. Only cases of the kinds provided for in the schedule attached to annual statement 2 should be included in this Register. The entries are to be made in it at once on the conclusion of each trial, and the persons entered will either then or afterwards, as found convenient, be noted up in the smaller register or ledger showing persons acquitted, &c., under each head of crime. The headings of the register, it will be observed, almost exactly correspond with the headings of Annual statements 4 and 5.

In column 22 cases brought to trial during the year will be distinguished. At the close of the year the persons concerned in the cases in the pending file must be added in the appropriate columns 1 to 3 and 7 to 12, the number of cases in column 32 and the number of witnesses examined in column 25 to complete the figures for the annual statement.

NOTE.—This register and the preceding two registers are to be kept for the purpose of the compilation of annual statements 4 and 5. Persons entered in columns 57 should be also entered in columns 31 to 33 but not in columns 44 to 53.

4.—*Register showing the particulars of Whipping*_____.

(To be maintained in the Courts of District and Subdivisional Magistrates and to be preserved for one year.

| No. of case in the Register of Cases decided. | PART I. IN LIEU OF OTHER PUNISHMENT. | | | | | | | | | | | | | PART II. IN ADDITION TO OTHER PUNISHMENT. | | | | | | | PART III. ON JUVENILES FOR OFFENCES OTHER THAN THOSE MENTIONED IN SECTIONS 2 AND 4 OF ACT VI OF 1864. | | | | | | | | | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | First conviction. | | | | | | | Subsequent conviction. | | | | | | | | | | | | | | First conviction. | | | | | | | Subsequent conviction. | | | | | | | |
| | Section of Code. | 1—5 Stripes. | 6—10 Stripes | 11—15 Stripes | 16—20 Stripes. | 21—25 Stripes. | 26—30 Stripes. | 1—5 Stripes. | 6—10 Stripes | 11—15 Stripes. | 16—20 Stripes. | 21—25 Stripes. | 26—30 Stripes | Section of Code. | 1—5 Stripes | 6—10 Stripes | 11—15 Stripes. | 16—20 Stripes. | 21—25 Stripes. | 26—30 Stripes. | Section of Code. | 1—5 Stripes. | 6—10 Stripes. | 11—15 Stripes. | 16—20 Stripes. | 21—25 Stripes. | 26 30 Stripes. | 1—5 Stripes. | 6—10 Stripes. | 11—15 Stripes. | 16—20 Stripes. | 21—25 Stripes. | 26—30 Stripes. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

NOTE.—This Register is intended to facilitate the preparation of annual statement 5A. Juveniles shown in Parts I and II will not appear in Part III.

4 5.—*Register showing under each head of offence the general result of the trial of European British subjects in* 18

(To be maintained in the Courts of District and Sub-divisional Magistrates and Magistrates of the first class and to be preserved for one year.)

[Heads of offences as per "Description of Offence" given in column 1 of annual statement No. 8.]

| No. of case. | Name of accused. | Number of persons accused and brought before a Magistrate. | | | | | | Died, escaped, or transferred to another district or province. | Number actually brought to trial. | Persons whose cases were disposed of | | | | | | | | | | Number of persons under trial at the close of the year. | Number of cases. | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Remaining at the close of the previous year. | Within the year. | | | | | | | By District Magistrates and other 1st class Magistrates. | | | | | | By Courts of Sessions. | | | | By High Court. | | | | |
| | | | On complaint, section 191 (a) of the Code. | On Police Report, section 191 (b) of the Code. | By Magistrate *suo motu*, section 191 (c) of the Code. | On transfer from another district or province. | Total. | | | Received by transfer under section 451B of the Code. | Convicted. | Acquitted or discharged. | Committed. | | Transferred by order under Section 451B of the Code. | Received by transfer under section 451B of the Code. | Convicted. | Acquitted or discharged. | Transferred to High Court under section 449 of the Code. | Convicted. | Acquitted. | | Brought to trial. | Disposed of. | Pending. | |
| | | | | | | | | | | | | | To Court of Sessions. | To High Court. | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Instruction.*—The final result of trial as regards each person will determine "Head of Offence" under which he is to be entered. When an accused is tried under more than one "Head of Offence," he should be exhibited under the principal one only, unless he happens to be accused of entirely distinct offences supported by separate evidence, in which case the trials would be separate, and the results independent.

In the column for remarks against the name of each accused a note should be made, stating (1) whether the accused applied to the High Court for an order under section 456 of the Code; (2) whether he applied to the High Court under section 526 of the Code for the transfer of his case, and (3) the class of officer (Magistrates or Sessions Judge) who disposed of the case, and whether or not they were European British subjects.

The district or province from or to which the cases of the persons entered in columns 7 and 9 were transferred should also be noted in the column for remarks.

Distinctive marks should be made—

In column 5, to show the number of persons who applied under section 2, Act III of 1884, for transfer or committal of their cases.

In columns 12 to 15 and 18 to 22, to show the number who claimed to be tried (1) by a mixed jury, section 451A (1) of the Code, or (2) by a mixed number of assessors, section 451 (2).

## *List of Registers to be maintained in the Criminal Courts of Bengal*—continued.

### D.—ACCOUNTS REGISTERS.

#### *I.—Register of Fines.*

(To be maintained in the Courts of District and Sub-divisional Magistrates and to be preserved for twelve years).

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Consecutive No. in month. | Number of case. | Name of officer imposing. | Name of offender and offence. | Date of sentence. | Amount of fine. | Imprisonment in default. | Amount remitted or written off. | Date of issue of warrant. | Thana to which issued. | Date of return of warrant. | Amount realised. | Balances. | Amount paid into Treasury. | Signature of Treasurer. | Signature of Court Inspector | Signature of Fine Mohurir. | Signature of Magistrate. | Date on which the notice of realization of fine is sent to Jail. | Date on which the notice is received back from Jail after amendment of warrant. | REMARKS. |
| | | | | | | | | | | | | | | | | | | | | |

2.—*Monthly Balance-sheet of Fines.*

(To be maintained in the Courts of District and Sub-divisional Magistrates and to be preserved for twelve years.)

| | Rs. A. P. |
|---|---|
| Opening grants balance of fines outstanding ... | |
| Amount imposed during the month, *i.e.*, total of black ink entries in column 6.* | |
| GRAND TOTAL REALIZABLE ... | |
| Amount remitted on appeal, &c., or written off by Commissioner's order, *i.e.*, grand total of column, 8,* *viz.*— | |
| | Rs. A. P. |
| New fines, *i.e.*, black ink entries ... | |
| Old fines, *i.e.*, red ink entries .. .. | |
| Amount realized— | |
| Of new fines, *i.e.*, total of black ink entries in column 12.* | |
| Of old fines, *i.e.*, total of red ink entries in column 12.* | |
| GRAND TOTAL OF COLUMNS 8 AND 12* .... ... | |
| Balance— | |
| Of new fines, *i.e.*, total of black ink entries in column 13.* | |
| Of old fines, *i.e.*, opening grand balance outstanding, minus red ink entries in columns 8 and 12.* | |
| Closing grand balance of fines outstanding ... | |

Certified, that the total of the above realized fines, plus Rs. the balance in hand of the preceding month, minus Rs. balance in hand, has been brought to credit in the Treasury Accounts.†

*Magistrate.*

* Of the Register of Fines.
† Revised certificate prescribed by Rule No. 2, dated the 18th June 1888.

For Form 4, Chapter V, page 214 *substitute* the following :—

*4. Daily Register of Court-fees realized in the Court of the*

*at*

[C. O. No. 3 of 9th February 1892, Civil and Criminal.]

(To be maintained in all Criminal Courts, and to be preserved for three years.)

| Serial No. of Document. | Process-fees. | | Other fees. | | Date. | Daily Total. | | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Process-fees. | | Other fees. | | Total. | | |
| 1 | 2 | | 3 | | 4 | 5 | | 6 | | 7 | | 8 |
| | ₹ | a. | ₹ | a. | | ₹ | a. | ₹ | a. | ₹ | a. | |
| 17 | 1 | 8 | | | | | | | | | | |
| 18 | ... | ... | 2 | 0 | | | | | | | | |
| 19 | 0 | 8 | | | | | | | | | | |
| 20 | 0 | 12 | | | | | | | | | | |
| | | | | | July 1st | 2 | 12 | 2 | 0 | 4 | 12 | |

*Instructions.*—This Register is meant to show in detail every document filed bearing Court-fee stamps except certified copies, the stamps on which should be entered in the Register of the Court or Office which issues them. At the time the stamps are first punched, a serial number should be entered in every document (including certified copies issued) immediately below the stamps and in column 1 of this Register, in the remaining columns of which will be entered the amount of the fees realized on the document. The entries in columns 2 and 3 will be totalled daily and the results entered in columns 5, 6 and 7, and initialled daily by the Presiding Officer. The entries in the latter three columns should also be totalled monthly. A few specimen entries have been made in the form with the object of showing how it is intended that the Register should be maintained.

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Published in the *Calcutta Gazette* of the 20th January, 1892, Part I, page 92, and in the *Assam Gazette* of the 30th idem, Part III, page 108.

### 3.—*Register of Warants for the levy of Fines.*

(To be maintained at all police-stations and to be preserved for twelve years.)

| Consecutive No. in year. | Number of warrant. | Officer issuing. | Name of offender and offence, and date of sentence. | Amount for which warrant is issued. | Date of warrant. | Date of its receipt. | Date of its return to head-quarters. | Amount realised and remitted. | Date of remittance. | Balance of fine outstanding. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |

### 4.—*Detailed Daily Register of Court-fees realized in the Court of the _____ at _____.*

(To be maintained in all Criminal Courts and to be preserved for three years.)

| Serial No. of Document. | Process fees. | Fees for administering oath on affidavits. | Amount realized under Schedule I. | Amount realized under Schedule II. | TOTAL. | REMARKS. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | |
| | | | | | | |

*Instructions.*—This Register is meant to show in detail every document filed bearing Court-fee stamps, except certified copies, the stamps on which should be entered in the Register of the Court or Office which issues them. At the time the stamps are first punched, a serial number should be entered on every document (including certified copies issued) immediately below the stamps and in column 1 of this Register; in the remaining columns of which will be entered the amount of the fees of each kind realized on the document. The entries in this Register must be totalled daily and the results entered in the "Daily Abstract Register."

5.—*Abstract Daily Register of Court-fees realized in the Court of the*

(To be maintained in all Criminal Courts and to be preserved for three years.)

| Date. | Process fees | | Fees for administering oaths on affidavits. | | Amount realized under Schedule I. | | Amount realized under Schedule II. | | Total. | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | | 3 | | 4 | | 5 | | 6 | | 7 |
| | Rs. | A. | Rs. | A. | Rs. | A. | Rs. | A. | Rs. | A. | |
| | | | | | | | | | | | |

*Instruction.*—This register is intended to show the daily totals abstracted from the detailed "Daily Register of Court Fee Stamps" and should be totalled monthly. The entries must be initialled daily by the presiding officer.

6.—*Register of Chalans for money tendered in the Court of*
*in the month of* 18

(To be maintained by the Magistrate of the District and to be preserved for twelve years.)

| Date. | Consecutive number of items in challans. | From whom received. | Nature of receipt, with name of payee (if any). Particulars. | AMOUNT RECEIVED IN | | Initials of Magistrate of the District. | Date of credit in the Collector's Account. | Initials of Magistrate of the District. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Court (*a*) | Treasury. (*b*) | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

(*a*) This column should be totalled and compared with the figures in the Debtor side of the General Cash Book.

(*b*) After receipt of the Treasury Advice for the last day of the month, the monthly totals of this register shall be compared with the monthly totals of the several separate registers of receipts kept by the Accountant. The difference, if any, will be due to chalans issued, but not presented in time to the treasury, and the amount of such must be written off.

7.—*Register of Chalans for petty payments made into the Court of the at to the credit of Governemnt.*

(To be maintained by the Magistrate of the District and to be preserved for twelve years.)

| Date. | No. | | Rs. | A. | P. | Date. | No. | | Rs. | A. | P. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |
| | | | | | | Date. | No. | | Rs. | A. | P. |
| | | | | | | Date. | No. | | Rs. | A. | P. |
| | | | | | | Date. | No. | | Rs. | A. | P. |

8.—*Register of payment orders issued by the of in the month of* 18 .

(To be maintained by the Magistrate of the District and to be preserved for twelve years.)

| Date. | Consecutive number of payment orders. | To whom paid. | Nature of repayment and number of items in the Register of receipts against which it is to be taken. | AMOUNT CASHED IN | | Initials of Magistrate of the district. | Date of payment by Collector. | Initials of Magistrate of the district. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Court. (*a*) | Treasury. (*b*) | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

(*a*) This column should be daily totalled and compared with the figures on the Creditor side of the General Cash Book.

(*b*) After the receipt of the Treasury Advice for the last day of the month, the monthly totals of this register should be compared with the monthly totals of the registers of repayments of deposits, and of any refunds of fines or miscellaneous receipts granted. The difference, if any, will be due to orders granted, but not cashed, and the amount of those which have lapsed should be written off.

9.—*Court's Daily Register of Judicial Deposits received in Court or advised as having been received in the Treasury in the month of*

## PART I.—A. DEPOSITS. (*a*)

(To be maintained by the Magistrate of the District and to be preserved for ever.)

| Date of receipt. | Number of deposit. | Number of chalan. | From whom received. | Nature of deposit, with name of payee. | Amount of each deposit. | Initials of Magistrate of the district. | Monthly total. | DETAILS OF REPAYMENT. | | | | | | | | | | | | Balance carried to account, Particulars |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Date. | Amount of each repayment. | Initials of Magistrate of the district | Date. | Amount of each repayment. | Initials of Magistrate of the district. | Date. | Amount of each repayment. | Initials of Magistrate of the district. | Date. | Amount of each repayment. | Initials of Magistrate of the district. | Total repayment. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | | | | | | | | | | | | | | | | | | | | |

(*a*) Each entry in this register should be initialled by the Magistrate after comparison with the corresponding entries in the Register of Chalans issued. This form should be used for two years only, after which the unpaid balance should be transferred to the Account—Particulars, as stated in rule 88.

At page 218, Chapter V, *cancel* the second line of the note at the foot of Register 10—"*Courts Daily Register of Judicial Deposits received in Courts or advised as having been received in the Treasury*"—PART II—B. DEPOSITS. (*H. C. Proceedings, December, 1892, Nos. 82, 83.*)

10.—*Court's Daily Register of Judicial Deposits received in Court or advised as having been received in the Treasury in the month of* 18

## PART II—B. DEPOSITS. (*a*)

(To be maintained by the Magistrate of the District and to be preserved for ever.)

| Date of receipt. | Number of deposit. | Number of chalan. | From whom received. | Nature of deposit, with name of payee. | Amount of each deposit. | Initials of Magistrate of the district. | Monthly total | DETAILS OF REPAYMENT. | | | | | | | | | | | | Balance carried to account—Particulars. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Date. | Amount of each repayment. | Initials of Magistrate of the district. | Date. | Amount of each repayment. | Initials of Magistrate of the district. | Date. | Amount of each repayment. | Initials of Magistrate of the district. | Date. | Amount of each repayment. | Initials of Magistrate of the District. | Total repayment. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | | | | | | | | | | | | | | | | | | | | |

(*a*) Each entry in this Register should be initialled by the Magistrate after comparison with the corresponding entries in the Registers of Chalans issued. This form should be used for two years only, after which the unpaid balance should be transferred to the Account—Particulars, as stated in rule 88.

11.— *Court's Daily Register of Judicial Deposits repaid at the Treasury of* *or paid at the Court and advised to the Treasury during the month of* 18

## PART I.—A. DEPOSITS (*a*)

(T be maintained by the Magistrate of the district and to be preserved for twelve years.)

| DETAILS OF DEPOSITS. | | | DATES AS TO PRESENT REPAYMENT. | | | | | AMOUNT REPAID ON ACCOUNT OF DEPOSITS EXCEEDING RS. 5 EACH. | | | INITIALS OF | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Date of receipt. | Number as per register of receipts. | Amount or balance of deposit. | Date of cashing payment order, whether at Court or at Treasury. | Date of granting payment order, as per Court's Register. | Number of repayment vouchers. | To whom repaid. | Whether paid in cash or by transfer. | Received in previous month. | Received in current month. | Amount repaid on account of deposits of Rs. 5 and less. | Accountant. | Magistrate of the district. | REMARKS. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

(*a*) Each entry in this Register should be compared with the corresponding entry in the Register of Payment Orders.

12 —*Court's Daily Register of Judicial Deposits repaid at the Treasury of* *or repaid at the Court and advised to the Treasury during the month of* 18 .

## PART II.—B. DEPOSITS (*a*)

(To be maintained by the Magistrate of the district and to be preserved for twelve years )

| DETAILS OF DEPOSITS. | | | DATES AS TO PRESENT REPAYMENT. | | | | | AMOUNT REPAID ON ACCOUNT OF DEPOSITS EXCEEDING RS. 5 EACH | | AMOUNT REPAID ON ACCOUNT OF DEPOSITS OF RS. 5 AND LESS. | INITIALS OF | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Date of receipt | Number as per register of receipts. | Amount or balance of deposit. | Date of cashing payment order, whether at Court or Treasury. | Date of granting payment order, as per Court's Register. | Number of repayment voucher. | To whom repaid. | Whether paid in cash or by transfer. | Received in previous month. | Received in current month. | | Accountant. | Magistrate of the district | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 13 | 13 14 | 14 15 |
| | | | | | | | | | | | | | |

(*a*) Each entry in this Register should be compared with the corresponding entry in the Register of Payment Orders

13.—*Account Particulars of A Deposits received at* ———— *Treasury in* 189 -9 *still outstanding on 1st April* 189

(To be maintained by the Magistrate of the district and to be preserved for ever.)

| Date. | Number of each deposit. | Name of person from whom received. | Nature of each deposit. | Balance of each deposit. | DETAILS OF REPAYMENTS (TO BE POSTED IN THE ACCOUNTANT-GENERAL'S OFFICE). | | | | | | | | | | | | | | Total repayments on each deposit. | Balance of each deposit lapsed and credited to Government. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | IN THE SECOND YEAR AFTER RECEIPT. | | | | | | | | IN THE THIRD YEAR AFTER RECEIPT. | | | | | | | |
| | | | | | First quarter. | Amount. | Second quarter. | Amount. | Third quarter. | Amount. | Fourth quarter. | Amount. | First quarter. | Amount. | Second quarter | Amount. | Third quarter | Amount. | Fourth quarter. | Amount. | |
| | | | Brought forward | | | | | | | | | | | | | | | | | |
| | | | | | April | | July | | Oct. | | Jan. | | April | | July | | Oct. | | Jan. | |
| | | | | | May | | Aug. | | Nov. | | Feb | | May | | Aug. | | Nov. | | Feb. | |
| | | | | | June | | Sept. | | Dec. | | Mar. | | June | | Sept. | | Dec. | | Mar. | |
| | | | | | April | | July | | Oct. | | Jan. | | April | | July | | Oct. | | Jan. | |
| | | | | | May | | Aug. | | Nov. | | Feb. | | May | | Aug. | | Nov. | | Feb. | |
| | | | | | June | | Sept. | | Dec. | | Mar | | June | | Sept. | | Dec | | Mar. | |
| | | | | | April | | July | | Oct. | | Jan. | | April | | July | | Oct. | | Jan | |
| | | | | | May | | Aug. | | Nov. | | Feb | | May | | Aug. | | Nov | | Feb. | |
| | | | | | June | | Sept. | | Dec. | | Mar. | | June | | Sept | | Dec. | | Mar. | |
| | | | | | April | | July | | Oct. | | Jan | | April | | July | | Oct. | | Jan. | |
| | | | | | May | | Aug | | Nov. | | Feb. | | May | | Aug. | | Nov. | | Feb. | |
| | | | | | June | | Sept. | | Dec. | | Mar. | | June | | Sept. | | Dec. | | Mar. | |

14.—*Register of Stamp duty and Penalties realised in the Court of the of during the month of* 18

(To be maintained by the Magistrate of the District and to be preserved for twelve years.)

| Consecutive number of entry in this register. | Date of realisation. (a) | Number of chalan. (a) | Date of remittance to Treasury. | Court by which order is passed, and date of order | Suit. | | Name of party paying the duty and penalty. | Description of instrument and date of execution. | Amount of duty levied. | Amount of penalty levied. | Total. | Initials of the Magistrate of the District. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Number. | Title. | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |

(a) These columns should be compared daily with the corresponding entries in the Register of Chalans.

### 15.—*Register of the Refund of the value of Court-fee Stamps.*

(To be maintained by the Magistrate of the District and to be preserved for twelve years.)

| Date of cashing order for refund, whether at the Court, or at the Treasury. | Date of granting order of refund as per Court's Register. | No of repayment voucher. | To whom repaid. | No. of suit or appeal in which refund was ordered, and names of parties. | Amount refunded. | INITIALS OF | |
|---|---|---|---|---|---|---|---|
| | | | | | | Accountant. | Magistrate of the District. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

16.—*Register of Miscellaneous Receipts in the Court of the during the month of* 18

(To be maintained by the Magistrate of the District and to be preserved for twelve years)

| Consecutive number in this Register. | Date of realisation. | Number in challan. | Date of remittance to Treasury. | From whom received. | Detailed Heads. | | | | | | | Total amount realised daily | Initials of Magistrate of the District. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Sale-proceeds of the unclaimed property of intestates and others credited to Government. | Forfeiture of earnest money. | | Office receipts (sale of old furniture, &c.) | | Petty receipts. | Miscellaneous items | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | | | | | | | | | | |

*N. B*—This register should be compared daily with the corresponding entries in the Register of Challans.

P

# PASS-BOOK.

17.—*The Court of* *in account current with the Treasury.*

(PAYMENTS AND REMITTANCES FROM COURTS.)

(To be maintained by the Magistrate of the District and to be preserved for twelve years).

Dr. Cr

| Date of payment | Court's number of payment order. | Court's particulars of each payment to public or of remittance at the day's close to the Treasury. | Head of account under which to be scheduled at Treasury. | Amount. | Signature or initials of Treasury Officer. | Date of receipt. | Court's number of entry in chalan. | Court's particulars of receipt. | Head of account under which to be scheduled at Treasury | Amount | Signature or initials of Treasury Officer. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10 | 12 |
| | | TOTAL ... | | | | | | TOTAL | | | |
| | | TOTAL for the day as per receipt side. | | | | | | TOTAL for the day as per payment side. | | | |

*Cancel* the form of "Peremptory Cash-book" reproduced at page 226, Chapter V. (*Rule No. 5 of 2nd June, 1892.*)

18.—*Peremptory Cash-Book of the* *Court of* *for the* *day of the month of* 18

(To be maintained by the Magistrate of the District and to be preserved for twelve years)

Dr. Cr.

| Serial number of deposit | From whom received | Particulars | On account of: Witnesses' expenses | On account of: Prisoners' diet | On account of: Ameens' travelling allowance | On account of: | Total | Serial number of deposit | Date of repayment | To whom paid | Particulars | On account of: Witnesses' expenses | On account of: Prisoners' diet | On account of: Ameens' travelling allowance | On account of: | Total | Signature of payee |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | |

19.—*General Cash-Book of the* *Court of* *for the* *day of the month* 18

(To be maintained by the Magistrate of the District and to be preserved for twelve years.)

*Dr.* *Cr.*

| Number of | | From whom received. | On what account. | Amount received. | | Number of payment order. | To whom paid. | Amount. |
|---|---|---|---|---|---|---|---|---|
| Chala | Payment slip. | | | Petty receipts. | Other receipts. | | | |
| | | | | | | | | |

Between columns 6 and 7 of the "General Cash-book," at page 227, *ibid*, and also after column 9, *insert* a column headed "Initials of Magistrate." (*Rule No. 5 of 2nd June, 1892*).

20 —*Cashier's Receipt for Peremptory Cash Receipts*

(Prescribed by Account Rules, paragraph 31. To be maintained by the Magistrate of the District and to be preserved for three years.

*No* _____

*Date* _____

*Name of Payer* _____

*On what account* _____

*Amount* _____

*No.* _____ *Dated* _____

*Received from* _____

*the sum of*

*Rs.*

(*Signed*)

*Cashier of the Court of the*

*At*

21.—*Register of Contract Contingent Charges of the* _____

(To be maintained by the Magistrate.

**Registers**—A separate Register must be maintained for each Department on account of the allotment on 1st April, the blank money columns being filled in with such headings as are payments to be recorded under each head are detailed in Appendix B to Accountant-General's **Permanent Advance.**—The permanent advance must be recouped on the last working day of **Contract Contingent Bill.**—When it becomes necessary to draw money from the Treasury, "Utilisation of savings" only the totals of each of the columns should be posted against the column "Utilisation of savings" should be described in the contingent bill. **Numbering** each allotment. **Allotment**—It must be distinctly borne in mind that, for any excess over tion from Government, the amount will be recovered from his personal allowances. **Valla** therefor immediately it is known.

| Date. | To whom paid. | Description of charge. | Number of sub-voucher. | *Number given to each contract bill.* | Hot and cold weather charges. | Tour charges. | Country stationery. | Repairs to tents. | Purchase and repair of furniture. | Office expenses. | Miscellaneous. | Keep of elephants. | Service Postage Stamps. | Service Telegram. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | |

*Department, District of* _____ *for* _____ 189

of the District and to be preserved for twelve years)

which there is a separate allotment for contract contingencies. It should be opened with peculiar to the Department in addition to those printed. **Classification**—The kinds of circulars. Expenditure must be shown as incurred on the account on which it is made.—each month, as also when the charge of office is transferred in the course of the month. the several columns should be totalled, and with the exception of the entries in column printed headings in the contract contingent bill The nature of each payment recorded in **Bills.**—There should be a separate annual series of numbers given to the bills drawn against allotment, the drawing officer is held personally liable, and that unless he can procure exemptions in **Allotment.**—Each increase or decrease should be entered in the columns provided

| Utilisation of savings. | Total of present bill. | Total of all bills drawn up to date. | Allotment on 1st April and thereafter Allotment as per bill last presented, column 4. 1 | Add 2 | Deduct. 3 | Net allotment at time of present bill 4 | EXPLANATION OF EACH ADDITION AND DEDUCTION IN COLS. 2 & 3. Transfer from | Transfer to | Controlling Officer's No. and date. | MONTHLY INCREASE ON ACCOUNT OF STATIONERY ALLOTMENT. | | | Other causes. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|

22.—*Register of Contingent Charges of the* _____ *Department of the District of* _____ *for* 189 .

(To be maintained by the Magistrate of the district and to be preserved for twelve years.)

**Classification.**—For heads to be opened by each Drawing Officer, and for kinds of payments falling under each of those heads, see Circular 33. Expenditure must be shown as incurred for the account on which it is made. Budget provision existing or not has nothing to do with determining the classification of a charge. **Posting Register and preparing Abstract and Detailed Contingent Bills.**—The principle on which the expenditure is to be posted in the register, and abstract and detailed bills prepared, is laid down in Code Chapter 5: 5 to 15. **Responsibility.**—The obligations imposed in Rules 7 and 8 on officers signing bills in respect of initialling unusual charges, and when the register is sent up with an abstract, initialling the date of each payment, should be scrupulously fulfilled. **Permanent Advance.**—The permanent advance *must be recouped* on the last working day of each month, as also when the charge of office is transferred in the course of the month, Rule 9. Acknowledgment of personal responsibility for the permanent advance must be sent to Accountant-General on transfer of charge and on first working day after 31st March, Rule 4. **Month of Charge.** The month of charge quoted in abstract and detailed bills must be the month in which the charges are paid *from the Treasury*, Rule 13. As the detailed contingent bill of a month is merely an aggregation of the sums drawn from the *Treasury during that month*, the total of the former should be the sum of the Abstracts. **Payment.**—Purchases, &c., must be paid for at once. The discharge of liabilities may not be deferred, rule 2 and chapter 9: 9. **Inter-Departmental Transactions.**—Rule 21 regarding posting the amount of inter-departmental receipts in Contingent Register *after the total of the month's cash transaction has been struck*, should be carefully carried out. **Closing Register for the month.**—At the end of a month the register should be completed thus: 1. Total cash payments of the month: 2. Add amount of current month's] inter-departmental debits: 3. Add total cash payments and inter-departmental debits to end of last month: 4. Grand total expenditure to date, Rule 14. **Retrenchments.**—A disallowance must, without fail, be refunded by short drawal on the first abstract presented after receipt of disallowance order, Rule 20. **Unnecessary or Excess Drawings** should be refunded by short drawal on subsequent abstract bill, or in cash. In both cases the original detailed head of charge and the total and date of the abstract on which the amount was drawn should be quoted. **Detailed Bills** must be submitted for countersignature *by* the 15th of the month following that to which they relate. Circular 325. **Sanction.**—Budget provision does not warrant special and unusual expenditure. For rules regarding authority for contingent expenditure, see Rule 2. Sanctions not acted on for a year become void.

| To whom paid. Budget grant for each detailed head. | No. of sub-voucher. | | |

*Insert* the following as a note to Rule 2 (*a*), Chap. V, at page 231 :—

The Sessions Judge's report should be submitted to the High Court direct, but his Statements should be submitted through the District Magistrate (*vide* Rule 8 (*b*), page 250, *infra*). (*C. O. No. 2 of 2nd March, 1892.*)

## Annual Reports.

2. [*Instructions regarding Annual Reports—C. O. No.* 5 *of* 14*th October* 1879.]—(*a*) Sessions Judges and District Magistrates shall submit to the High Court, along with the Annual Statements, a Report for the year to which they refer, upon the Administration of Criminal Justice. The forms numbered 16 to 25[1] shall be incorporated in their Reports by Sessions Judges, and those numbered 14 to 25[1] in their Reports by District Magistrates. Much difficulty has been hitherto caused by the neglect of Sessions Judges to secure a correspondence between the figures given in the Tables in the body of their Reports and those contained in the Annual Statements submitted by them. Those Officers and District Magistrates are expected in future to see that no such discrepancies occur.

(*b*) The Court does not consider it necessary to prescribe the use of any particular form of Report; but the Report, in whatever form, should contain such remarks as suggest themselves on a consideration of the figures entered in the statements. Any great variation between the results exhibited for the year under report and for the previous year should receive notice and be explained, if possible.

(*c*) Amongst other matters, the following must be noticed in the Report:—

The condition of the record-room, which must be ascertained by careful personal enquiry, and not from the mere report of the record-keeper.

The extent to which effect has been given to the rules regarding the arrangement of the records in

---

[1] *i.e.*, of the Annual Statements (*vidè* Forms of Periodical Statements.)

the course of the trial and to the rules regarding the destruction of useless records.

The working of the rules under the Court Fees Act.

The effect of recent legislation on the working of the Criminal Courts.

(*d*) Sessions Judges and District Magistrates are required to submit, with their annual reports, special reports expressing their opinions on the qualifications and official merits of the several Subordinate Magistrates based on the judicial work of those officers which may have come under their notice during the past year.[1] This is not, however, to debar District Magistrates or Sessions Judges from recording in their Administration Reports any instance of special and distinguished merit on the part of any officer which they consider deserving of special mention and which may entitle the person indicated to the favourable notice of the Court or of Government.

## Statements.

3. [*General Instructions regarding Periodical Statements—C. O. No.* 5 *of* 14*th October* 1879.]—(*a*) The forms of Periodical Statements, entered in the list annexed,[2] are prescribed for adoption in future by the Criminal Courts shown against each. On the forms themselves some instructions for observance will be found, and the following general instructions are also issued, in order to secure the correct and uniform preparation of the Statements.

(*b*) When possible, printed forms should be used for the preparation of Periodical Statements. The practice

[1] The preceding paragraph was added by C. O. No. 2 of the 16th April 1890.

[2] *Vide* pp 238 & 239.

For the words "The preceding paragraph" in the foot-note to Rule 2 (*d*), Chapter V, page 232, *substitute*—This sentence.

(*Slips for November, 1891.*)

of extending the printed forms by pasting sheets of paper on them should be avoided. As many separate printed forms as may be necessary to contain the information required should be used.

For reports and explanations, where these have to be separately written, foolscap paper should be used.

When a Statement is blank, it should not be submitted, a note to that effect being sufficient.

(*c*) Where the figures given in any return differ from those given for the same period in any returns previously submitted, explanation should always be offered to avoid the necessity for a reference in the matter. Much correspondence will also be rendered unnecessary if, before submission, figures entered in the Annual Statements are compared with those in the Court's printed Report for the previous year.

(*d*) Officers having work in more departments than one should always note in their returns how their time was apportioned between the various departments. This is necessary to enable the Court to judge whether the work done is sufficient, and to admit of the officer's salary being correctly apportioned in the annual returns between the various departments.

(*e*) Monthly and Quarterly Statements should be despatched by Subordinate Courts to the District Magistrate on or before the 3rd of the month next succeeding the period to which they relate, and Annual Statements on or before the 15th day of the new year.

(*f*) Quarterly Statements should be submitted by District Magistrates and Sessions Judges to the High Court on or before the 15th of the month next succeeding the period to which they relate, and Annual Statements along with the Annual Report on the Administration of Criminal Justice on or before the 15th

February of each year. The punctual despatch of correct Statements is an important duty, the neglect of which will not be overlooked by the Court.

The periodical Statements have now been brought into accordance with each other as far as possible, and if due attention is given, during the course of the year, to the collecting of materials for the Annual Statements, the delay of which the High Court Judges have had so frequently to complain, should not occur in the preparation of these returns in a correct form.

(*g*)[1] The High Court insist especially on the punctual submission of the Annual Statements and Annual Report. Owing to the extreme delay and inconvenience which have constantly resulted from the remissness of District Officers in not submitting these returns in due time, and from the carelessness and inaccuracy which have necessitated frequent references before correct figures could ultimately be obtained from some districts, the High Court are compelled to state distinctly that any officer who may in future fail to comply with these orders will be reported to Government, in order that some serious notice may be taken of his conduct.

(*h*) It is not intended that any case should be entered in the returns as received or disposed of by transfer, unless the transfer was from one district to another, or from one kind of Court to another,—as for example, from a Civil or Revenue Court under section 482 of the Criminal Procedure Code. A note should always be made in the column of remarks of the number, if any, of cases and persons transferred to, or received from, places outside the jurisdiction of the High Court, as this information is required in order to the compilation of the returns for the whole Province.

[1] This clause was inserted by Rule No. 11 of 12th December 1881.

*Insert* the following as a note to Rule 3, Clause (*f*), pages 233 and 234:—

The Annual Statements of the Sessions Court should be forwarded to the District Magistrate as soon as possible after the year closes (*vide* note to Rule 8 (*b*), Chapter V, page 250, *infra*). (*C. O. No. 2 of 2nd March, 1892.*)

(*i*) The columns headed "Referred" and "Received on Reference" are meant to exhibit cases in which an enquiry or trial has been held, and the proceedings of the Court are submitted for confirmation by, or the orders of, a higher tribunal; for example, cases submitted by Subordinate Magistrates under sections 347 and 349, by Deputy Commissioners under section 34, by District Magistrates, &c., under section 123, by Assistant Sessions Judges under section 31, by Sessions Judges under sections 307 and 374 of the Criminal Procedure Code. Mere references for trial under section 192 are not to be entered in these columns, nor in the columns exhibiting transfers; they are to be entered against the Court which decided them, and not against the Court which may have merely received the complaint.

(*j*) A case is regarded as coming on the file of the receiving Court from the date of commitment, reference, or order of transfer. As the annual returns of the District Magistrate will not now be submitted to the Court through the Sessions Judge, it is necessary, in order to avoid correspondence, that the former officer should report to the latter, as soon after the close of the year as possible, the number of persons to be entered in the district returns as committed or referred to the Court of Session.

(*k*) Cases of the kind alluded to above, in which the proceedings of one Court are submitted for the confirmation or orders of another, will, like cases committed to the Sessions, find entry in the returns of both Courts. The persons concerned will appear in the returns of the referring Courts, not as convicted, but as "referred." In the returns of the Courts receiving the references they will be shown as convicted, acquitted, &c., according to the result of the reference in each case,

or as "pending," if orders have not been passed on it.

(*l*) Annual Statement No. 2 is intended to show the final results of trial, and it is, therefore, necessary that the Magistrates who have to prepare it should be apprised of the results of commitments to the Courts of Session. Section 373 requires Sessions Judges to forward to the District Magistrate a copy of the finding in each case. They shall also, at the close of each Sessions, return to the Magistrate of the district concerned the calendar of accused persons submitted by him, after filling up column 9, so as to show the orders of the Court of Session passed with respect to each person entered in it.

(*m*) Apart from certain miscellaneous proceedings under the Criminal Procedure Code, the returns have reference to judicial work alone, the High Court having no supervision of police work in any shape. Appeals from orders of the District Superintendent of Police, which are heard by the Magistrate in his executive capacity, are to be excluded from the returns. So also are fines on ministerial officers for neglect of duty.

(*n*) No person who has not appeared personally or by agent in Court is to be included in the returns; but all persons who have appeared, whether in obedience to summons, warrant, or other process, or voluntarily, to answer a criminal charge should be shown as under trial.[1] Persons discharged from bail taken under

[1] Cases of escaped prisoners should not be shown as pending on the files. On their recapture, their cases will be entered as new cases (*H. C. Resolution E. C., December* 1867, *and No.* 84, 1880).

Witnesses examined by Magistrates in Court in preliminary enquiries under sections 202 and 476, Act X of 1882, need not be included in the periodical returns, the existing forms not contemplating them (*H. C.* 779 *of* 1883).

section 169, without appearing before a Magistrate, should not be entered in the returns. In calculating the duration of cases before the Magistrate, time must be counted from the date of the apprehension of the accused or of his appearance in Court, whichever was the earlier. In the Courts of Session the time will count from the date of the commitment of the accused.

(*o*) District Magistrates are required to maintain a watchful and intelligent control over the proceedings of their subordinates, and to inform themselves thoroughly, from time to time, of the mode in which business is transacted by them. In particular, they are expected to secure circumspection in the issue of warrants and summons, and to see that business is transacted with due despatch.

(*p*) Both Magistrates and Judges are required to see that the statements are prepared neatly as well as correctly, in respect of the entries made, and that they are not disfigured by slovenly or bad writing. When such defects occur, the statements will be liable to be returned.

(*q*) The column of remarks should contain the mention of any cases or particulars which do not appear to be fairly provided for in other columns, and should also contain brief explanations of any noticeable results appearing on the face of the returns, especially of such as, if unexplained, might lead to erroneous conclusions; in short, any comments which will tend to throw light upon the figures.

4. [*Forms of Periodical Statements prescribed for use by the Criminal Courts.—C. O. No. 5 of 14th October 1879.*]

| Index Numbers of forms | Subject of Statement. | By what Courts to be prepared and submitted. | To what Courts to be submitted | REMARKS. |
|---|---|---|---|---|
| | | MONTHLY. | | |
| 1 | State of the files in the Courts of the Magistrates. | Subordinate Magistrates. | District Magistrates | |
| | | MONTHLY AND QUARTERLY. | | |
| 2 | Statement of persons tried and of cases disposed of in the Courts of subordinate Magistrates. | Subordinate Magistrates. | District Magistrates | |
| | | QUARTERLY. | | |
| 3 | Business Statement for Magistrates' Courts. | District Magistrates | High Court. | |
| | Business Statement for Courts of Session. | Additional Sessions Judges<br>Sessions Judges | Sessions Judges<br>High Court. | |
| | | ANNUAL. | | |
| 5 | List of Judicial Divisions, &c. | Additional Sessions Judges<br>Sessions Judges<br>District Magistrates. | Sessions Judges.<br>High Court | |
| 6 | Statement of offences reported and persons convicted, &c. | Subordinate Magistrates.<br>District Magistrates. | District Magistrates<br>High Court. | |
| 7 | Statement of miscellaneous cases under Act X of 1882 | | | |
| 8 | Statement showing the result of trials before the Criminal Courts | | | |
| 9 | Statement showing the punishments inflicted by the Courts of Original Jurisdiction. | | | |
| 10 | Statement showing the particulars of whippings inflicted by the Criminal Tribunals. | Subordinate Magistrates.<br>Additional Sessions Judges | District Magistrates<br>Sessions Judges. | |
| 11 | Statement showing the result of appeals and applications for revision in criminal cases. | Sessions Judges<br>District Magistrates | High Court. | |
| 12 | Statement showing the use of Juries and Assessors in the Criminal Courts. | | | |
| 13[1] | Statement showing the general result of the trial of European British subjects | | | |

[1] Inserted by Rule No 11 of 21st July 1884.

In the list of "*Forms of Periodical Statements*" reproduced at page 238, under the head "ANNUAL" *enter* the words "District Magistrates" in the fourth column against the words "Sessions Judges", and *add* the following to the note in the column for remarks on page 239:—A set of the latter should also be sent by the Session Judge to the District Magistrate (*vide* note to Rule 8 (*b*), Chapter V, page 250, *infra*). (*C. O. No. 2 of 2nd March, 1892.*)

| Index Numbers of forms. | Subject of Statement. | By what Courts to be prepared and submitted. | To what Courts to be submitted. | REMARKS. |
|---|---|---|---|---|
| 14 | Statement showing number of offences reported, complaints rejected, cases struck off as false, and cases returned as true. | District Magistrates. | High Court. | Statements 14 to 25 will be incorporated by District Magistrates in their Annual Reports, and Statements 16 to 25 by Sessions Judges in their reports. |
| 15 | Comparative table of cases brought to trial and of persons acquitted or discharged and convicted, and the percentage convicted. | | | |
| | Comparative table showing number of cases brought to trial, disposed of, and pending. | District Magistrates Sessions Judges. | High Court. | |
| 17 | Table showing number of persons under trial in Magistrates' and Sessions Courts and the result of trials. | | | |
| 18 | Comparative table showing number of witnesses examined and discharged without examination and the amount paid as expenses. | Subordinate Magistrates | District Magistrates | |
| 19 | Table showing detention of witnesses. | District Magistrates. Sessions Judges. | High Court. | |
| 20 | Comparative table showing amount of fines imposed and the amount realised and paid away by way of compensation. | | | |
| 21 | Comparative table showing number of appeals (cases) preferred, disposed of, and pending. | | | |
| 22 | Table showing the result of appeals. | | | |
| 23 | Comparative table showing number of applications (cases) for revision preferred, disposed of, and pending. | District Magistrates. Sessions Judges. | High Court. | |
| 24 | Statement showing result of applications for revision. | | | |
| 25 | Comparative table showing receipts and charges of Criminal Courts and results. | | | |

5. [*No Statements to be discontinued without order—G. L. No.* 5 *of* 9*th March* 1877.]—No Statement in use by authority of the High Court may be discontinued without an express order of such Court.

### MONTHLY STATEMENTS.

6. [*Instructions—C. O. No.* 5 *of* 14*th October* 1879.]—(*a*) Subordinate Magistrates shall submit monthly to the District Magistrate a Statement of Summary Trials and a Statement of Pending Files; from these the District Magistrate will compile a General Statement[1] for his District, which he will forward to the High Court. Subordinate Magistrates are required to submit monthly to the District Magistrate explanations of the cause of delay in the disposal of cases pending more than one month. The District Magistrate will forward to the High Court explanations regarding cases pending more than three months only, together with a copy of any orders which he may have passed with regard to these cases on previous Monthly Statements. In case the number of persons awaiting trial before any Magistrate for more than two months is unusually great, explanation should in like manner be given.

(*b*) Subordinate Magistrates shall also submit to the District Magistrate, monthly, a General Statement[2] of the business coming before their Courts. These Statements for the first two months of each quarter shall contain the figures for one month only; for the third month they shall contain the figures for the whole quarter.

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[1] Monthly Statement C, No. 4.

[2] Monthly (and Quarterly) Statement A, No. 5.

In the fourth line of Rule 6, Chapter V, at page 240, for the words, "from these" *substitute*— from the latter.

For the first note at the foot of this page *substitute*—Monthly Statement B., No. 1.

In the second note for the figure "5" *substitute*—2. (*Slips for March. 1892.*)

No. 1.

# MONTHLY STATEMENT B.*

*State of the Files in the Courts of the Magistrates in the District of* *at the close of*

| Designation and Powers of Magistrates or Benches. | Pending. | | Details of column 3. Number of Persons. | | | | | Of the Persons entered in columns 5 to 8, under trial. | | | | | | | | | | Remarks and explanations as to the number of cases pending or time of pendency. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Others. | | | | Over 6 months. | | Over 3 months. | | Over 2 months. | | Over 1 month | | Not exceeding 1 month. | | |
| | Cases. | Persons. | Criminal Lunatics. | In custody. | On bail. | On recognizance. | Otherwise. | In custody. | On bail, &c. | In custody. | On bail, &c. | In custody. | On bail, &c. | In custody. | On bail, &c. | In custody. | On bail, &c. | |
| 1 | 2 | 3 | * 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| Total ... | | | | | | | | | | | | | | | | | | |

*N.B.*—If accused persons were in custody for only a part of the time during which their cases are pending, a note should be made in the column for remarks showing the period during which they were in that condition.
The columns "In custody" and "On bail" should be filled in with reference to the condition of the accused on the last day of the period to which the return relates.

* (Revised by Rule No. 3 of 14th September 1883.)

No. 2. **MONTHLY AND QUARTERLY STATEMENT A.**

## PART I.

*Showing the number of Persons tried, convicted, and acquitted, and of Cases brought to trial, disposed of, and pending in the Court of during the month of* 18

(*Vide* instructions on Annual Statement 4.)

| Designation and Powers of Magistrates or Benches. | Number of Persons— | | | | | | | Number of Cases— | | | Number of working days employed in the Criminal Department. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under trial during the month. | Died, escaped, transferred. | Discharged or acquitted. | Convicted— | | Committed or referred. | Remaining under trial. | Brought to trial during the month. | Disposed of during the month. | Pending at the close of the month. | | |
| | | | | On regular trial. | On summary trial. | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | | 13 | 14 | 15 | 16 | 17 | 18 | 19 |

For Columns 5 and 6, of PART I, of "MONTHLY AND QUARTERLY STATEMENT A," page 242, Chapter V, *substitute* the following: —

CONVICTED.

| ON REGULAR TRIAL. | | | | ON SUMMARY TRIAL. | | | |
|---|---|---|---|---|---|---|---|
| | | Youthful offenders dealt with under Section 31, Act VIII, 1897. | | | | Youthful offenders dealt with under Section 31, Act VIII, 1897. | |
| Sentenced. | Released on probation, Section 562, Criminal Procedure Code. | Discharged after admonition. | Delivered to or parent guardian. | Sentenced. | Released on probation, Section 562, Criminal Procedure Code. | Discharged after admonition. | Delivered to or parent guardian. |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | |

*Renumber* Columns 7 to 13 as 13 to 19.—(*C. O. No. 1 of 17th January 1900.*)

# MONTHLY AND QUARTERLY STATEMENT A.*

## PART II.

*Statement of Persons concerned in cases decided under the miscellaneous provisions of the Code of Criminal Procedure during the month of* 18

(*Vide* instructions on Annual Statement S.)

| DESIGNATION AND POWERS OF MAGISTRATES OR BENCHES. | Proceedings against witnesses under Chapter VIc and section 485. | Proceedings under Chapter VIII, to prevent breach of the peace. | Proceedings under Chapter VIII, security for good behaviour. | Proceedings against local nuisances, Chapter X. | Possession, Chapter XII. | Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250. | Maintenance, Chapter XXXVI. | Forfeiture of bail or Recognizance under Chapter XLII. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | Persons. | Persons. | Persons. | Persons | Cases. | Persons. | Persons. | Persons | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

* Revised by Rule No. 3 of 12th M[illegible] 18

## Quarterly Statements.

7. [*Instructions for the preparation of the Quarterly Statements—C. O. No. 5 of 14th October* 1879.]—(*a*) With the figures submitted by their subordinates, District Magistrates shall compile a general statement[1] for the whole district and submit it to the High Court.

(*b*) Sessions Judges shall also submit quarterly to the High Court a statement[1] showing the result of commitments to the Court of Sessions and of appeals and applications for revision made to them. The Additional Sessions Judge, if any, will furnish a similar return[2] for his own Court to the Sessions Judge, who will exhibit the figures separately in his return.

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NOTE.—In the quarterly criminal statements, columns headed "Brought to trial" or "preferred," unlike those headed "Under trial" or "Total dealt with," are intended to show only cases brought to trial, or appeals or applications filed during the period to which the return relates, and are not intended to include cases pending at the commencement of such period.—(*G. L. No.* 3, *dated 4th Febrnary* 1880)

[1] Quarterly statement A, Parts I, II, and III.

[2] Quarterly statement B, Parts I and II. Form No. 7, pp.

For Columns 5 and 6, of PART I, of "QUARTERLY STATEMENT A," page 245, *ibid, substitute* the following :—

CONVICTED.

| ON REGULAR TRIAL. | | | | ON SUMMARY TRIAL. | | | |
|---|---|---|---|---|---|---|---|
| | | Youthful offenders dealt with under Section 31, Act VIII, 1897. | | | | Youthful offenders dealt with under Section 31, Act VIII, 1897. | |
| Sentenced. | Released on probation, Section 562, Criminal Procedure Code. | Discharged after admonition. | Delivered to parent or guardian. | Sentenced. | Released on probation, Section 562, Criminal Procedure Code. | Discharged after admonition. | Delivered to parent or guardian. |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | |

*Renumber* Columns 7 to 13 as 13 to 19.—(*C. O. No. 1 of 17th January 1900.*)

*Cancel* Note 2 at the foot of the form.

No. 3.

## QUARTERLY STATEMENT A—(*To be submitted by District Magistrates to the High Court.*)

### PART I.

*Statement of Persons tried, convicted, and acquitted, and of Cases brought to trial, disposed of, and pending in the Courts of Magistrates in the District of in the quarter of* 18

(*Vide* instructions on Annual Statement 4.)

| Designation and Powers of Magistrates or Benches.[1] | Number of Persons | | | | | | | Number of Cases | | | Number of working days employed in the Criminal Department. | Remarks.[2] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under trial during the quarter. | Died, escaped, transferred. | Discharged or acquitted. | Convicted: On regular trial. | Convicted: On summary trial. | Committed or referred. | Remaining under trial. | Brought to trial. | Disposed of. | Pending. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 13 | 8 14 | 9 15 | 10 16 | 11 17 | 12 18 | 13 15 |
| Total ... | | | | | | | | | | | | |

[1] Enter the names of, and powers exercised by, all Stipendiary Magistrates. Honorary Magistrates who have acted singly should be entered together, their case being exhibited in one line. Benches of Magistrates, however composed, should be exhibited separately.

[2] The certificate required by Circular Order No. 10, dated 3rd September 1878, should accompany.—See clause (h), Sub-rule 6. Rule 1 Chapter V.

NOTE.—If a person entered in column 3 is the sole accused in his case, such case should not be entered in column 10 (see foot-note 2 to Annual Statement 6). If an entry be made in column 3, it should be noted in the column for "remarks" whether or no the person so entered was the sole accused in his case (*H. C.* 118 *and* 300, 1882).

## PART II.*

*Statement of Persons concerned in Cases decided under the miscellaneous provisions of the Code of Criminal Procedure during the quarter of* 18

(*Vide* instructions on Annual Statement 3.)

| DESIGNATION AND POWERS OF MAGISTRATES OR BENCHES. | Proceedings against witnesses under Chapter VI c. and section 485. | Proceedings under Chapter VIII, to prevent breach of the peace. | Proceedings under Chapter VIII, security for good behaviour. | Procedings against Local Nuisances, Chapter X. | Possession, Chapter XII. | Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250. | Maintenance, Chapter XXXVI. | Forfeiture of bail or recognizance under Chapter XLII. | Pending. | REMARKS.[1] |
|---|---|---|---|---|---|---|---|---|---|---|
| | Persons. | Persons. | Persons. | Persons. | Cases. | Persons. | Persons. | Persons. | Persons. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |
| Total ... | | | | | | | | | | |

[1] The date of institution of the oldest pending case should be entered, with explanation in every such case regarding delay exceeding one month.—(Rule No. 7 of 13th March 1884.)

*Revised by Rule No. 3 of 12th May 1885.

*Insert* the following as foot-note 3 to Part III of the same statement at page 247, *ibid.*

[3]The number of convicted persons required to keep the peace under Section 106 (3), Criminal Procedure Code, by Courts of Appeal or Revision and the number of youthful offenders sent to a Reformatory School by Appellate Courts under Section 8 (2) of the Reformatory Schools Act, 1897, should be entered in the column for remarks.—(*C. O. No. 1 of 17th January 1900.*)

## PART III.

*Statement showing the Result of Appeals to the Magistrate of the District or other Magistrate authorized to hear Appeals, and of Applications to the Magistrate of the District for the Revision of the Proceedings of Subordinate Courts.*

(*Vide* instructions on Annual Statement 6.)

| Court to which the Appeal was preferred or Application made. | Number of Persons— | | | | | | | | | | | | Number of Cases— | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number of appellants and applicants for revision, including pending from last quarter. | Died, escaped, transferred. | Appeal or application rejected. | Sentence or order confirmed. | Sentence enhanced. | Sentence reduced, or Sentence or order otherwise altered. | Sentence or order reversed. | Proceedings quashed. | New trial or further enquiry ordered. | Referred to the High Court for revision. | Disposed of, including entries in columns 4 to 11. | Remaining at the end of the quarter. | Preferred during the quarter. | Disposed of during the quarter. | Pending at the close of the quarter. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| *Appeals.* | | | | | | | | | | | | | | | | |
| Magistrate of the District. | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | |
| *Applications for Revision.*[2] | | | | | | | | | | | | | | | | |
| Magistrate of the District. | | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | | |
| Grand Total ... | | | | | | | | | | | | | | | | |

[1] The date of the oldest pending appeal or application for revision should be entered, with explanation in every such case regarding delay exceeding one month.

[2] "See 'Note at foot of Annual Statement 6, page 273 (*C. O. No. 3 of 21st February* 1884)."

No. 4. **QUARTERLY STATEMENT B.—(*To be submitted by Sessions Judges.*)**

## QUARTERLY STATEMENT B.[1]

*(Corresponding with Annual Statements 4 and 6.)*

### PART I.

*Showing the Number of Cases and Persons before, and the Results of Trial in, the Court of the Sessions Judge of* ____ *during the* ____ *Quarter of* 18

| DESIGNATION OF COMMITTING OR REFERRING OFFICER. | NUMBER OF PERSONS— | | | | | | | | NUMBER OF CASES— | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under trial. | Died, escaped, transferred.[3] | Discharged or acquitted. | CONVICTED. On regular trial. | CONVICTED. On summary trial. | Referred. | REMAINING UNDER TRIAL. In custody | REMAINING UNDER TRIAL. On bail. | Received on commitment or reference.[4] | Disposed of during the quarter.[5] | Pending at the close of the quarter. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | | | | | | | | |
| TOTAL ... | | | | | | | | | | | | |

NOTE.—In the above Statement enter separately (*a*) commitments and (*b*) cases received on reference under sections 31, 34, or 123, Criminal Procedure Code. In the column of Remarks, give the date of commitment of each case appearing in column 12.

[1] Revised form, prescribed by Rule No. 3 of the 16th May 1881 and by Rule No. 3 of 14th September 1883.

[2] During the quarter, including pending from the previous quarter.

*N B.*—Column 4, "discharged," and column 5 refer to cases under section 480, C. C. P. (*H. C.* 1269, 1881.)

Columns 8 and 9 should be filled in with reference to the condition of the accused on the last day of the period to which the return relates. If accused was in custody for only a part of the time during the period under report, a note should be made in the column of Remarks to show how long he was in that condition (*Rule No. 3 of 14th September* 1883).

[3] See note to Quarterly Statement A.

[4] During the quarter, excluding pending from the previous quarter.

[5] Omit cases in which accused died, escaped, or was transferred.

For Columns 5 and 6, of Part I, of "QUARTERLY STATEMENT B," page 248, *ibid*, *substitute* the following:—

CONVICTED.

| ON REGULAR TRIAL. | | | | ON SUMMARY TRIAL. | | | |
|---|---|---|---|---|---|---|---|
| | | Youthful offenders dealt with under Section 31, Act VIII, 1897. | | | | Youthful offenders dealt with under Section 31, Act VIII, 1897. | |
| Sentenced. | Released on probation, Section 562, Criminal Procedure Code. | Discharged after admonition. | Delivered to parent or guardian. | Sentenced. | Released on probation, Section 562, Criminal Procedure, Code. | Discharged after admonition. | Delivered to parent or guardian. |
| 5 | 6 | 7 | 8 | | 10 | 11 | 12 |
| | | | | | | | |

*Renumber* Columns 7 to 13 as 13 to 19.

In the "*Note*" at the foot of the form for the words and figures "Sections 31, 34 or 123," *substitute* the word and figures "Section 123."

In the "*N.B.*" for the word and figure "Column 6," *substitute* the word and figure "Column 9"; and in the first line of the following instruction for the words and figures "Columns 8 and 9", *substitute* the words and figures "Columns 14 and 15."—(*C. O. No. 1 of 17th January 1900.*)

Add the following to the last instruction at the foot of Part II of the same form at page 249, *ibid* :—

In this column should also be entered the number of convicted persons required to keep the peace under Section 106 (3), Criminal Procedure Code, by Courts of Appeal or Revision and the number of youthful offenders sent to a Reformatory School by Appellate Courts under Section 8 (2) of the Reformatory Schools Act, 1897.—(*C. O. No. 1 of 17th January 1900.*)

# PART II.[1]

*Statement showing the Result of Appeals and Applications for Revision in Criminal Cases in the Court of Session.*

| COURT TO WHICH THE APPEAL WAS PREFERRED OR APPLICATION MADE. | NUMBER OF PERSONS— | | | | | | | | | | | | NUMBER OF CASES— | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number of appellants and applicants for revision[2] | Died, escaped, transferred. | Appeal or application rejected. | Sentence or order confirmed. | Sentence enhanced. | Sentence reduced, or sentence or order otherwise altered. | Sentence or order reversed. | Proceedings quashed. | New trial or further enquiry ordered. | Referred to the High Court for revision. | Disposed of, including entries in columns 4 to 11. | Remaining at the end of the quarter. | Preferred.[3] | Disposed of during the quarter. | Pending at the close of the quarter. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| *Appeals.* | | | | | | | | | | | | | | | | |
| Court of Sessions Judge. | | | | | | | | | | | | | | | | |
| *Applications for Revision.* | | | | | | | | | | | | | | | | |
| Court of Sessions Judge. | | | | | | | | | | | | | | | | |

*The* *day of* *Sessions Judge.*

[1] Revised form prescribed by Rule No. 3 of the 16th May 1881.

[2] During the quarter, including pending from the previous quarter. "See 'Note' at foot of Annual Statement 6, page 273 (*C. O. No. 3 of 21st February* 1884)."

[3] During the quarter, excluding pending from the previous quarter.

NOTE. Orders passed under section 498, C. C. P., should not be shown in this Statement (*H. C.* 1269 *of* 1881). References to the High Court to quash commitments should be shown in Part II (not Part I), and be regarded as references to the Court in the exercise of its revisional jurisdiction under section 438, C. C. P. (*H. C.* 599, 1882).

In the column of Remarks, enter the date of the oldest pending appeal or application for revision, and give explanation regarding any pending for more than one month.

## ANNUAL STATEMENTS.

8. [*Instructions as to the preparation of Annual Statements—C. O. No. 5 of 14th October* 1879.]—

(*a*) District Magistrates shall in future submit their Annual Statements direct to the High Court, and not through the Sessions Judge.

(*b*) Sessions Judges shall submit separately to the High Court the returns relating to the Court of Session. These returns shall exhibit separately the figures pertaining to each District Magistracy within the jurisdiction of the Sessions Judge.

(*c*) District Magistrates must take care that the proper officers of their own Court and of the Courts subordinate to them collect at convenient intervals the information necessary to fill up the Annual Statements. Some of these can be readily compiled from the monthly and quarterly returns. In the case of others, it is essential that the requisite information should be collected from time to time so as to be available without delay at the close of the year.

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NOTE.—In the Annual Criminal Statements, columns headed "Brought to trial" or "Preferred," unlike those haeded "Under trial" or "Total dealt with," are intended to show only cases brought to trial or appeals or applications filed during the period to which the return relates, and are not intended to include cases pending at the commencement of such period—(*G. L. No.* 3, *dated 4th February* 1880)

# ANNUAL STATEMENT I—(CRIMINAL) FOR THE OF FOR THE YEAR 18

## No. 5. PART I.

*List of Judicial Divisions, with Area and Population.*

| Name of Sessions Division. | Names of District Magistracies. | Names of Sub-divisions.[1] | Area in square miles.[1] | Population.[1] |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

[1] Give separately the area and population of each District Magistracy.

## PART II.

*Return showing the number of officers of each class vested with Jurisdiction in Criminal Cases present in the District at the close of the year; and the number of working days of all officers employed in the District during any part of the year.*

| Class of Courts. | Exercising Criminal powers only.[2] | Criminal and Civil powers.[2] | Criminal and Revenue powers.[2] | Exercising Criminal, Civil and Revenue powers.[2] | Total number of working days employed.[3] On Criminal work. | On Civil work. | On Revenue work. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
| COURTS OF SESSION. | | | | | | | | |
| Sessions Judge ... ... | | | | | | | | |
| Additional or Joint Sessions Judge. | | | | | | | | |
| Assistant Sessions Judge | | | | | | | | |
| Total ... | | | | | | | | |
| MAGISTRATES. | | | | | | | | |
| Stipendiary { 1st class[4]... | | | | | | | | |
| 2nd class... | | | | | | | | |
| 3rd class ... | | | | | | | | |
| Total ... | | | | | | | | |
| Special Magistrates, under Section 14, C. P. C. | | | | | | | | |
| Honorary { 1st class ... | | | | | | | | |
| 2nd class .. | | | | | | | | |
| 3rd class ... | | | | | | | | |
| Total ... | | | | | | | | |

[2] Enter only officers employed in the district at the close of the year.

[3] Include the working days of every officer exercising Criminal powers during any part of the year. Note in the column of Remarks the number of officers of each class who, though vested with powers, did no Criminal work during the year.

[4] Include the Magistrate of the district.

## PART III.

*Return showing each Bench of Magistrates constituted in the District.*

| SITTINGS WHERE HELD. | NUMBER OF MAGISTRATES WHO SIT TOGETHER TO FORM A BOARD.[1] | | Powers. | Local jurisdiction. | REMARKS.[2] |
|---|---|---|---|---|---|
| | Stipendiary. | Honorary. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

[1] That is, the number usually present at each sitting—not the number attached to the Bench.
[2] Note whether the Benches are authorised to take up cases on complaint, without reference.

*Inesrt* the following as an additional note at the foot of the form of PART IV of ANNUAL STATEMENT 1—(CRIMINAL), reproduced in Chapter V at page 253: —

*Column 2.*—This column is intended to exhibit all receipts under the rules framed by the High Court in accordance with clause 2, Section 20 of the Court Fees Act, VII of 1870. The Court-fees realized on warrants in non-cognizable cases by whomsoever executed should, therefore, be shown in it. (*G. L. No. 5. of 17th December, 1896.*)

## PART IV (*Revised*).

*Statememt showing the Receipts and Charges of the Criminal Courts and the proportion of the Salary of Judicial Officers debitable to Criminal Justice for the year* 18

| CLASS OF COURTS.[1] | RECEIPTS.[2] | | | | | | CHARGES.[2] | | | | | | | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | IN COURT FEES STAMPS. | | IN CASH OR SPECIAL STAMPS. | | | Total. | SALARIES OF JUDICIAL OFFICERS. | | ESTABLISHMENT. | | | CONTINGENCIES. | | Refunds. | Total of columns 8 to 12 | |
| | Process Fees. | Other Fees. | Fines,[3] | Copying and Comparing Fees. | Other Receipts credited to Government. | | Gross. | Share debitable to Criminal Justice.[4] | Process Servers. | Salaried Copying and Comparing Clerks. | Others. | Fees paid to Copyists not on the fixed establishment. | Other Contingencies. | | | |
| 1 | 2 | 3 | 4 | 5 | 5*a* | 6 | 7 | 8 | 9 | 10 | 10*a* | 11 | 11*a* | 12 | 13 | 14 |
| | | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | | |

[1] District Magistrates will give total figures separately for each station at which there is a Magistrate. Sessions Judges will give them separately for each district within the Sessions Division.

[2] Omit fractions of a rupee.

[3] Magistrates will not include realisation on account of fines imposed on persons committed for trial to the Court of Session, which will be shown by the Sessions Judge in his Statement. They will include all other judicial fines realised by them, whether, afterwards credited to local funds or not.

[4] The proportion of an officer's time shown in Part II to have been devoted to Criminal work will determine the proportion of his salary to be debited to Criminal Justice.

*N.B.*—Columns 5*a*, 10*a*, and 11*a* added by Circular of 4th March 1881.

NOTE.—Column 4 should include all judicial fines realised, whether imposed in the exercise of appellate or original jurisdiction, and also the realisations on account of forfeited bail or recognizance (Chapter XLII of Act X of 1882) in the cases entered against cross-heading 10 of Annual Statement 3. Amounts paid away as compensation should not be included in this column, nor in any of the other columns of this Statement.

Column 12. The term "Refunds" is applicable to such fines only as are remitted under proper authority and have to be paid back to the parties from whom they were levied.—(*H. C.* 905, 1883).

# SCHEDULE OF OFFENCES.

*N.B.—Attempts where not separately specified in this Schedule should be entered immediately after the Offences at which they are Attempts. Abetments should be included with the Substantive Offences abetted.*

| Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable. | | | | | Number of Head of Crime. |
|---|---|---|---|---|---|
| **1.—OFFENCES UNDER THE PENAL CODE.** | | | | | |
| Offences against the State | Chapter | VI, | Secs. 121 to 130 | ... .. ... | 1 |
| Offences against the Army and Navy ... ... | ,, | VII, | ,, 131 to 140 | ... ... .. | 2 |
| Offences against the public tranquillity . . | ,, | VIII, | ,, 143 to 145, 149 to 151, 157, 158, | Unlawful assembly ... ... | 3 |
| | | | ,, 147, 148, 152 & 153 to 156 | ... Rioting, &c. ... | 4 |
| | | | Sec. 160 . . | ... Affray ... ... | 5 |
| Offences by or relating to public servants ... | ,, | IX, | Secs. 161 to 169 | ... By public servants ... ... | 6 |
| | | | ,, 161, 170 & 171 | Relating to public servants ... | 7 |
| Contempts of the lawful authority of public servants .. | ,, | X, | ,, 172 to 190 ... | ... ... ... | 8 |
| False evidence and offences against public officers ... | ,, | XI, | , 193 to 200 | ... False evidence, subornation, &c., of public servants . | 9 |
| | | | , 201 to 229 | ... Offences against public justice | 10 |
| ffences relating to coin and Government stamps. ... | ,, | XII, | ,, 231 to 254 | ... Offences relating to coin .. | 11 |
| | | | ,, 255 to 263 | ... Offences relating to stamps | 12 |
| Offences relating to weights and measures ... | ,, | XIII, | ,, 264 to 267 ... | ... ... ... | 13 |
| Offences affecting the public health, safety, convenience, decency, and morals .. . | ,, | XIV, | ,, 269 to 278 | ... Offences affecting public health . . | 14 |
| | | | ,, 279 to 289 | ... Offences affecting safety ... | 15 |
| | | | ,, 290 & 291 | ... Offences affecting convenience ... ... | 16 |
| | | | ,, 292 to 294 | ... Offences affecting decency and morals ... | |
| | | | Sec. 294A ... | ... Keeping lottery office or publishing proposals for lottery | 17*a* |
| Offences relating to religion ... | ,, | XV, | Secs. 295 to 298 .. | ... ... .. | 18. |

In the "SCHEDULE OF OFFENCES" at page 254, Chapter V, for the entry—

| | | | | |
|---|---|---|---|---|
| Offences against the public tranquillity. | Chapter VIII | Sections 143 to 145, 149 to 151, 157, 158 . . . | Unlawful assembly . | 3 |
| | | Sections 147, 148, 152 and 153 to 156 . | Rioting, etc. | 4 |
| | | Section 160 . . | Affray . | 5 |

*Substitute* the following :—

| | | | | |
|---|---|---|---|---|
| Offences against the public tranquillity. | Chapter VIII | Sections 143 to 145, 149 to 151, 157, 158 . . . | Unlawful assembly . | 3 |
| | | Sections 147, 148, 152, 153 and 154 to 156 . . . | Rioting, etc. | 4 |
| | | Section 153A . . | Promoting enmity between classes | 5 |
| | | Section 160 . . | Affray . | 6 |

*Alter* the numbering of the succeeding heads of crime.—(*G. L. No. 8 of 21st September 1898.*)

## SCHEDULE OF OFFENCES—*continued.*

| Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable. | | | | Number of Head of Crime. |
|---|---|---|---|---|
| I.—OFFENCES UNDER THE PENAL CODE—*continued.* | | | | |
| Offences affecting the human body ... | Chapter | XVI, | Secs. 302 & 303 ... Murder .. | 19 |
| | | | Sec. 307 ... ... Attempt at murder ... .. | 20 |
| | | | ,, 304 ... ... Culpable homicide .. | 21 |
| | | | ,, 304A ... ... Causing death by rash or negligent act | 21a |
| | | | ,, 308 ... ... Attempt at culpable homicide | 22 |
| | | | Secs. 305 & 306 ... Abetment of suicide | 23 |
| | | | Sec. 309 ... ... Attempted suicide .. | 24 |
| | | | ,, 311 ... ... Thuggee, &c. | 25 |
| | | | Secs. 312 to 315 ... Causing miscarriage . | 26 |
| | | | Sec. 316 ... ... Injury to unborn children ... | 27 |
| | | | ,, 317 ... ... Exposure of infants .. . | 28 |
| | | | ,, 318 ... ... Concealment of birth by secret disposal of dead body ... | 29 |
| | | | Secs. 325 to 331 & 333 Hurt with aggravating circumstances ... | 30 |
| | | | ,, 323, 324, 332, & 334 to 338 ... Other causes ... | 31 |
| | | | Sec. 341 ... ... Wrongful restraint ... | 32 |
| | | | Secs. 342 to 348 ... Wrongful confinement .. | 33 |
| | | | ,, 352 to 358 ... ... Criminal force or assault ... | 34 |
| | | | ,, 364, 366, 367 ... Kidnapping or forcible abduction with aggravating circumstances | 35 |
| | | | ,, 363, 365, 368, & 369 ... ... Other cases ... | 36 |
| | | | ,, 370 & 371 ... Slavery ... | 37 |
| | | | ,, 372 & 373 ... Buying or selling a minor for the purpose of prostitution ... | 38 |
| | | | Sec. 374 ... ... Forced labour | 39 |
| | | | ,, 376 ... ... Rape ... .. | 40 |
| | | | ,, 377 ... ... Unnatural offence ... | 41 |
| Offences against property ... | ,, | XVII, | ,, 382 ... ... Theft with aggravating circumstances ... | 42 |
| | | | Secs. 379 to 381 & 401 ... ... Other cases ... | 43 |

## SCHEDULE OF OFFENCES—*continued.*

| Nomenclature of offences, with Chapter and Section of the Penal Code or other Law applicable. | | | | | | Number of head of crime. |
|---|---|---|---|---|---|---|
| I.—OFFENCES UNDER THE PENAL CODE—*continued.* | | | | | | |
| Offences against property—*contd.* | Chapter XVII, | Secs. 386 to 389 | ... | Extortion with aggravating circumstances | | 44 |
| | | ,, 384 & 385 | ... | Other cases | | 45 |
| | | Sec. 394 | ... | Robbery. | With hurt | 46 |
| | | ,, 392 | ... | Robbery. | Other cases | 47 |
| | | ,, 393 | ... | Robbery. | Attempts ... | 48 |
| | | ,, 396 | ... | Dacoity. | With murder ... | 49 |
| | | ,, 397 | ... | Dacoity. | With attempt to cause death or grievous hurt ... | 50 |
| | | ,, 398 | ... | Dacoity. | Attempted robbery or dacoity when armed with deadly weapons | 51 |
| | | Secs. 395, 399, 400 & 402 | .. | Dacoity. | Other cases | 52 |
| | | ,, 403 & 404 | ... | Criminal misappropriation of property ... | | 53 |
| | | ,, 406 to 409 | ... | Criminal breach of trust ... | | 54 |
| | | ,, 411 to 414 | ... | Receiving or habitually dealing in stolen or plundered property ... | | 55 |
| | | ,, 417 to 420 | ... | Cheating ... | | 56 |
| | | ,, 421 to 424 | ... | Fraudulent deeds or disposition of property ... | | 57 |
| | | ,, 429 to 433 & 435 to 440 | .. | Mischief. | With aggravating circumstances ... | 58 |
| | | ,, 426 to 428 & 434 | | Mischief. | Other cases | 59 |
| | | ,, 459 & 460 | .. | Criminal trespass. | Resulting in death or grievous hurt ... | 60 |
| | | ,, 449 to 452, 454 455, 457 & 458 | | Criminal trespass. | For commission of serious offences ... | 61 |
| | | ,, 447, 448, 453, 456, 461 & 462 | | Criminal trespass. | Other cases | 62 |

## SCHEDULE OF OFFENCES—*continued.*

| Nomenclature of offences, with Chapter and Section of the Penal Code or other Law applicable | | | | | | Number of head of crime |
|---|---|---|---|---|---|---|
| I.—OFFENCES UNDER THE PENAL CODE—*concluded* | | | | | | |
| Offences relating to documents and to trade or property mark | Chapter | XVIII, | Sec | 465 to 471 & 474 | .. Forgery or uttering or possessing forged documents or papers | 63 |
| | | | ,, | 472 to 476 | .. Counterfeiting or making, or possessing a counterfeit seal, &c, for purposes of forgery | 64 |
| | | | ,, | 477 | Fraudulently destroying or defacing a will or other document | 65 |
| | | | ,, | 482, 486, 487 & 488 | Using a false trade or property mark, and knowingly selling property so marked | 66 |
| | | | ,, | 483 to 485 | ... Counterfeiting or making, or possessing a die plate, or instrument for counterfeiting a trade or property mark | 67 |
| | | | ,, | 48 | ... Removing, destroying, &c, a trade or property mark with intent to cause injury ... | 68 |
| Criminal breach of contracts and service | | XIX, | ,, | 490 to 492 | .. | 69 |
| Offences relating to marriage | ,, | XX, | ,, | 493 to 498 | ... ... | 70 |
| Defamation | ,, | XXI, | ,, | 500 to 502 | .. | 71 |
| Criminal intimidation, insult, or annoyance | ,, | XXII, | ,, | 506 | ... The threat being to cause death or other grievous hurt | 72 |
| | | | ,, | 504 to 510 | ... Other cases ... | 73 |
| II.—OFFENCES UNDER SPECIAL AND LOCAL LAWS. | | | | | | |
| *Code of Criminal Procedure.* | | | | | | |
| Chapter VIII, Sections 107 108 119, Security for keeping the peace | | | | | | 74 |
| Chapter VIII, Sections 109, 110, Security for good behaviour ... ... .. | | | | | | 75 |

## SCHEDULE OF OFFENCES—*concluded.*

| Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable. | Number of Head of Crime. |
|---|---|
| II.—OFFENCES UNDER SPECIAL AND LOCAL LAWS—*continued.* | |
| *Breach of other Laws relating to—* | |
| Arms, Ammunition, and Military Stores ... Act II of 1878. | |
| Army and Navy .. .. ... ... | |
| Canals, Drainage, and Embankments ... Acts 6 (B. C.) of 1873, and II (B. C.) of 1882. | |
| Cantonments, Military ... ... ... Act 13 of 1889. | |
| Cattle Trespass ... ... ... ... Acts 1 of 1871 and I of 1891. | |
| Companies Act ... ... ... ... Act 4 of 1882. | |
| Contract—Workmen .. ... ... ... ,, 13 of 1859. | |
| Criminal Tribes and Eunuchs ... ... ,, 27 of 1871. | |
| Customs, Sea . ... ... ... ,, 8 of 1878. | |
| Emigration to Foreign Ports ... ... ,, 21 of 1883. | |
| ,, Inland .. ... ... ,, 1 of 1882. | |
| ,, Straits Settlements ... ... ,, 5 of 1877. | |
| Foreigners ... .. ... .. ... Reg. 11 of 1812, and Act 3 of 1864. | |
| Forests ... ... ... ... ... Acts 7 of 1878 and 5 of 1890. | |
| Gambling ... .. ... ... ... Act 2 (B. C.) of 1867. | |
| Hackney and Stage Carriages ... ... Acts 16 of 1861 5 (B. C.) of 1866, 16 of 1876. | |
| Inoculation .. ... ... ... ... Act 4 (B. C.) of 1865. | |
| Land Acquisition ... ... ... ... Acts 10 of 1870 and 18 of 1885. | |
| Legal Practitioners ... ... ... ... Act 18 of 1879. | |
| License Tax ... ... ... ... ,, 2 of 1886 | |
| Marriage, Christian . .. ... ... Acts 15 of 1872 and 2 of 1891. | |
| Merchant Shipping and Seamen ... ... ,, 1 of 1859 13 of 1876 5 of 1883 and 6 of 1891. | |
| Municipalities... ... ... ... ... ,, 5 (B. C.) of 1876, 3 (B. C.) of 1884 and (B.C.) 1889. | |
| Opium ... ... ... ... ... Act 1 of 1878. | |
| Passenger Ships ... ... ... ... ,, 10 of 1887. | |
| Police, District ... ... ... ... ,, 5 of 1861. | |
| ,, Town ... ... ... ... ... Acts 2 & 4 (B. C.) of 1866 and amending Acts. | |
| Ports ... ... ... ... ... ... ,, 12 of 1875 4 (B. C.) of 1879 and 10 of 1889. | |
| Post Offices ... ... ... ... ... Act 14 of 1866. | |
| Prisons and Prisoners ... ... ... Acts 5 of 1871, 2 (B. C.) of 1864, and 5 (B. C.) of 1865. | |
| Printing Presses ... ... ... ... ,, 25 of 1867 and 10 of 1890. | |
| Railways ... ... ... ... ... Act 9 of 1890. | |
| Registration of Documents .. ... ... ,, 3 of 1877. | |
| ,, of Births and Deaths ... Acts 4 (B. C.) of 1873 and 6 of 1886. | |
| Salt ... ... ... ... ... ... ,, 12 of 1882 & 7 (B.C.) of 1864. | |
| Sarais and Paraos ... ... ... ... Act 22 of 1867. | |
| Stamps ... ... ... ... ... ... ,, 1 of 1879. | |
| Telegraphs ... ... ... ... ... ,, 13 of 1885. | |
| Treasure Trove ... ... ... ... ,, 6 of 1878. | |
| Tolls ... ... ... ... ... Acts 8 of 1851, 22 of 1856, and 9 (B. C.) of 1871. | |
| Vagrancy (European) ... ... ... Act 9 of 1874. | |
| Volunteers ... ... ... ... ... ,, 20 of 1869. | |
| Weights and Measures ... .. ... ,, 31 of 1871. | |

NOTE.—The above Acts should be read as amended by later Acts.

# ANNUAL STATEMENT—2 (CRIMINAL).

*Statement of Offences reported and of persons tried, convicted, and acquitted of each offence in the* *in the year* 18

| NOMENCLATURE OF OFFENCES, WITH CHAPTER AND SECTION OF THE PENAL CODE OR OTHER LAW APPLICABLE. | Number of head of crime. | NUMBER OF CASES. | | | | | NUMBER OF PERSONS. | | | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Offences reported. | Complaints dismissed under Section 203, C P C. | Other cases struck off as false | Balance returned as true. | Brought to trial during the year. | Under trial during the year. | Acquitted or discharged. | Convicted. | Died, escaped, or transferred. | Remaining under trial at the close of the year | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | | | | | | | | |
| TOTAL | | | | | | | | | | | | |

## INSTRUCTIONS FOR PREPARATION OF ANNUAL STATEMENT 2.

*Column 1.*—The printed schedule of offences must be adhered to. No cases under the Code of Criminal Procedure, except those indicated in it, must be entered in the body of this statement. In the column of Remarks it may be noted how many of the persons entered against headings 8 and 10 were dealt with summarily under the provisions of Chapter XXXV of the Code of Criminal Procedure; in how many cases, entered against other heads, the complainant was required to pay compensation to the accused under section 250, or the defendant, in addition to the punishment inflicted upon him, was required to give recognizances or security to keep the peace under section 106; in how many cases, entered against heading 75, the orders of the Court of Session were taken under section 123. The list given of offences under "Special and Local Laws" is not meant to be exhaustive. Separate entry should be made, in alphabetical order, of each law against which offences have been committed. Attempts, where not separately specified in the Schedule, should be entered immediately after the offences at which they are attempts. Abetments should be included with the substantive offences abetted.

*Column 2.*—In this column the index number of the head of crime given in the printed Schedule should be entered.

*Column 3.*—All offences (cases) of which information was given, complaint made or cognizance taken under Chapters IV, V, XIV XVI, C. P. C., for the first time during the year, are to be shown, if they were alleged to have occurred in the district, although some of the charges may not have been prosecuted, or may have turned out to be false.

*Column 4.*—Enter all complaints (cases) dismissed under section 203, C. P. C., during the year.

*Column 5.*—Enter all cases other than those shown in columns 4 in which, during the year, a Magistrate declared that the charge was false and that the offence never occurred. Include cases in which the complaint was adjudged to be frivolous or vexatious, and the complainant was fined under section 250, C. P. C. Exclude charges rejected by the Police, unless a Magistrate declared them to be false.

*Column 6.*—The entries in this column should be the balance of case entered in column 3, after deducting those entered in columns 4 and 5.

*Column 8.*—Include cases and persons pending trial at the close of the year and those received by transfer from other districts.

*Column 7 to 12.*—Those cases only in which an accused person has appeared personally or by agent before a Court, and the persons who so appeared, are to be entered in these columns.

*Columns 8, 9, & 10.*—The final result of trial as regards each person will determine the heading in column 1 against which he is to be entered. Where an accused is tried under more than one head of charge, he should be exhibited under the principal one only, unless he happens to be accused of entirely distinct offences supported by separate evidence, in which case the trials would be separate and the results independent.

*Columns 9 & 10.*—These columns are intended to show the result of trial in the Magistrate's Court as regards persons whose cases were disposed of by Magistrates, and in the Court of Session as regards persons whose cases were disposed of by that Court. In cases referred by Subordinate Magistrates under sections 347, 349, by Deputy Commissioners under section 34, by Assistant Judges under section 31, and by Courts of Session under sections 307 and 374, C. P. C., the results to be shown are those in the Court which received and dealt with the reference. Should this Court not have decided the case by the end of the year, it should be entered as "Remaining under trial."

*Column 11.*—In the column of Remarks, the names of the Courts or Districts to which any cases were transferred should be noted, in order that it may be ascertained that they have been properly entered in the returns of the latter.

*Column 12.*—Committed cases, which had not been decided at the close of the year, will be entered as pending in the column, as well as the referred cases above alluded to.

No. 7. ANNUAL STATEMENT 3—(CRIMINAL).*

*Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the during* 18

| NATURE OF PROCEEDINGS. | TOTAL NUMBER DEALT WITH DURING THE YEAR. | | DISPOSED OF DURING THE YEAR. | | | |
|---|---|---|---|---|---|---|
| | Cases. | Persons. | Cases. | Persons. | | REMARKS. |
| | | | | Discharged. | Convicted. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. Proceedings against witnesses under Chapter VI c. and section 485 ... ... ... ... ... ... ... | | | | | | |
| 2. Proceedings under Chapter VIII, To prevent breach of the peace ... ... ... ... ... ... ... | | | | | | |
| 3. Proceedings under Chapter VIII, Security for good behaviour ... ... | | | | | | |
| 4. Proceedings against local nuisances, Chapter X ... ... ... ... | | | | | | |
| 5. Possession, Chapter XII ... ... ... ... ... ... ... | | | | | | |
| 6. Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250 ... ... ... ... ... ... | | | | | | |
| 7. Non-attendance of jurors or assessors, Chapter XXIII, section 332 ... | | | | | | |
| 8. Maintenance, Chapter XXXVI ... ... ... ... ... ... | | | | | | |
| 9. Forfeiture of bail or recognizance under Chapter XLII ... ... ... | | | | | | |
| TOTAL ... | | | | | | |

SUB-HEAD 6.—Complainants fined under section 250 are not to be entered as convicted in Annual Statements 2, 4, or 5, but the fact of the fines having been imposed may be noted in the column of Remarks of Statement 2, against the complaints preferred by them.

SUB-HEADS 2 AND 3.—Cases under sections 107, 109, 110, 118, 120, 123, Criminal Procedure Code, will also appear under the appropriate head of the schedule in Statement 2 and in Statement 4. Persons convicted under these heads, and required to give security or recognizance under sections 120, 123, Criminal Procedure Code, will also appear in Statement 5.

DITTO 4, 5, & 9.—Cases under these sub-heads will not appear in Statements 2, 4, or 5. Jury cases under Chapter X will, however, appear in Statement 7.

NOTE.—Column 7. *Vide* final paragraph of note to Annual Statement 5.

* Revised by Rule No. 3 of the 12th May 1885.

Against cross-head 6 of "ANNUAL STATEMENT 3 (CRIMINAL)" at page 262 *for* the words and figures "Chapter XX, Section 250" *substitute* "Chapter XLVI, Section 560," and in the first line of the instruction at the foot of this statement *for* the figures "250" *substitute* "560." (*Slips for January, 1892.*)

The following amendments should be made in the form of ANNUAL STATEMENT 3—(CRIMNIAL), page 262, *ibid* :—

After cross-heading 9 in Column I *insert* the following :—

10, Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.

In cross-heading 6, for the word "complaints," *substitute* the word "accusations" and for the words and figures "Chapter XLVI, Section 560," *substitute* the words and figures "Chapter XX, Section 250."

In the first line of the instruction at the foot of the form regarding cross-heading 6 for the word and figures "Section 560," *substitute* the word and figures "Section 250."

In the instruction regarding cross-headings 2 and 3, after the word and figures "Section 107" *insert* the figures "108."

# ANNUAL STATEMENT 4—(CRIMINAL).

**No. 8.** ANNUAL STATEMENT 4—(CRIMINAL).

*Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in the* *in the year* 18

| Class of Tribunal. | Number of Persons under Trial. | | | | | | | | Persons whose cases were disposed of. | | | | | | | | Number of Cases | | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Remaining at the end of the previous year. | Brought to Trial during the year. | | | | | | | Died, escaped, or transferred. | Discharged or acquitted. | Convicted.[1] | | | | Committed or referred.[2] | Total of columns 11 to 16. | Persons under trial at the end of year. | Brought to trial during the year. | Disposed of during the year.[3] | Remaining at the close of the year.[4] | Number of cases entered in column 20 tried summarily. | Aggregate number of days during which the cases entered in column 20 lasted.[5] | Average number of days during which each case lasted. | Number of witnesses examined. | |
| | | Under arrest by police. | Upon warrant. | On summons. | Voluntarily. | Received on commitment or reference. | Received by transfer. | Total. | | | On regular trial. | | On summary trial | | | | | | | | | | | Note the number of persons entered in columns 8 and 10 transferred from or to another Province. |
| | | | | | | | | | | | Appealable sentence passed. | Non-appealable sentence passed. | Appealable sentence passed. | Non-appealable sentence passed. | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| | | | | | | | | | | | | | | | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 |
| **I.—MAGISTRATES.** | | | | | | | | | | | | | | | | | | | | | | | | | |
| Village Officers .. .. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subordinate Magistrates. Special Magistrate under section 14 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subordinate Magistrates. Honorary Magistrates sitting singly .. 2nd & 3rd class .. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subordinate Magistrates. Honorary Magistrates sitting singly .. 1st class .. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subordinate Magistrates. Stipendiary Magistrates sitting singly .. .. 2nd & 3rd class . | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subordinate Magistrates. Stipendiary Magistrates sitting singly .. .. 1st class .. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subordinate Magistrates. Benches of Magistrates . | | | | | | | | | | | | | | | | | | | | | | | | | |
| District and Divisional Magistrates—Cases referred under sections 347, 349[2] | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chief Magistrates of districts ... under ordinary powers | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chief Magistrates of districts ... under special powers under section 34 .. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | | | | | | | | | | | |

In column 3 of "*Annual Statement 4 (Criminal)*," at pages 264 and 265 ibid, *cancel* the words "by police."

*Add* the following to the instructions contained in the heading of column 26 of this statement :—

Note also how many of the persons entered in column 3 were brought to trial under arrest by the police, and how many under arrest by other agency (*e.g.*, Forest or Excise Officers, private persons, &c.)—(*C. O. No. 4 of 30th November 1891.*)

For Columns 12 to 15, of "ANNUAL STATEMENT 4.—(CRIMINAL)," pages 264, 265, *ibid, substitute* the following :—

CONVICTED.

| ON REGULAR TRIAL. | | | | | ON SUMMARY TRIAL. | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Appealable sentence passed. | Non-appealable sentence passed. | Released on probation, Section 562, Criminal Procedure Code. | Youthful offenders dealt with under Section 31, Act VIII, 1897. | | Appealable sentence passed. | Non-appealable sentence passed. | Released on probation, Section 562, Criminal Procedure Code. | Youthful offenders dealt with under Section 31, Act VIII, 1897. | |
| | | | Discharged after admonition. | Delivered to parent or guardian. | | | | Discharged after admonition. | Delivered to parent or guardian. |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| | | | | | | | | | |

*Renumber* Columns 16 to 26 as 22 to 32.

Against the cross-heading, "Stipendiary Magistrates sitting singly, 1st class," in Column 1 of the same Statement *insert* the following :—

{ Under ordinary powers.
{ Under special powers under Section 34.

| | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **II.—COURTS OF SESSION.** | | | | | | | | | | | | | | | | | | | | | | |
| Assistant Judges | | | | | | | | | | | | | | | | | | | | | | |
| Judges, Joint and Additional Judges | | | | | | | | | | | | | | | | | | | | | | |
| Judges { Cases referred by Deputy Commissioners under section 34, C. P. C. | | | | | | | | | | | | | | | | | | | | | | |
| Judges { Cases referred by Assistant Judges under section 31, C. P. C. | | | | | | | | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | | | | | | | | |
| **III.—SUPERIOR COURTS OF GENERAL JURISDICTION.** | | | | | | | | | | | | | | | | | | | | | | |
| High Court . { Cases under section 526, C. P. C. | | | | | | | | | | | | | | | | | | | | | | |
| High Court . { Cases committed by the Presidency Magistrates | | | | | | | | | | | | | | | | | | | | | | |
| High Court . { Cases referred by Sessions Judges under section 307, C. P. C. | | | | | | | | | | | | | | | | | | | | | | |
| High Court . { Cases referred by Sessions Judges under section 374, C. P. C. ... | | | | | | | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | | | | | | | |
| GRAND TOTAL .. | | | | | | | | | | | | | | | | | | | | | | |

[1] Persons whose cases were referred to a superior Court for higher punishment or for confirmation of sentence will be entered in column 16, and not in columns 12 to 15, against the Court making the reference. Against the Court receiving the reference they will be shown as convicted or acquitted, according to the orders passed by it, or as pending if orders have not been passed.

[2] These cases will also be shown against the Magistrates who made the reference, entry being made as directed above.

[3] Omit cases in which the accused died, escaped, or was transferred.

[4] The case of an insane accused who has been sent to a lunatic asylum should be kept on the file until he has been tried and either acquitted or convicted—(*H. C.* 960, 1883).

[5] In calculating the duration before the Magistrates' Courts, the starting point to be taken is not the date of complaint or information, but that of apprehension, or attendance on summons or otherwise. As regards Courts of Session, the actual number of days occupied should be given, commencing from the date of commitment.

## ANNUAL STATE

*Statement showing the Punishments inflicted by the various Criminal*

| CLASS OF TRIBUNAL. | PERSONS SENTENCED TO | | | | | | | | | | | PERSONS ORDERED TO FIND OR GIVE. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | TRANSPORTATION. | | IMPRISONMENT. | | | | FINE. | | WHIPPING. | | | | |
| | | | | | RIGOROUS. | | | | | | | | | |
| | Death. | For life. | For a term. | Penal servitude. | With solitary confinement. | Without solitary confinement. | Simple. | Forfeiture of property. | With imprisonment. | Without imprisonment. | In addition to other punishment. | In lieu of other punishment. | Sureties of the peace. | Recognizance to keep the peace. | Sureties for good behaviour. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| **I.—MAGISTRATES.** | | | | | | | | | | | | | | | |
| Village Officers ... ... ... ... ... ... | | | | | | | | | | | | | | | |
| SUB-MAGISTRATES. Special Magistrates under section 14 ... | | | | | | | | | | | | | | | |
| SUB-MAGISTRATES. Honorary Magistrates sitting singly ... ... 2nd and 3rd class; 1st class ... ... | | | | | | | | | | | | | | | |
| SUB-MAGISTRATES. Stipendiary Magistrates sitting singly ... . 2nd and 3rd class; 1st class ... ... | | | | | | | | | | | | | | | |
| SUB-MAGISTRATES. Benches of Magistrates ... ... ... ... | | | | | | | | | | | | | | | |
| District and Divisional Magistrates—cases referred under sections 347, 349 ... ... ... ... | | | | | | | | | | | | | | | |
| CHIEF MAGISTRATES OF DISTRICTS ... ... under ordinary powers ... | | | | | | | | | | | | | | | |
| CHIEF MAGISTRATES OF DISTRICTS ... ... under special powers under section 34 ... ... ... | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | |
| **II.—COURTS OF SESSION.** | | | | | | | | | | | | | | | |
| Assistant Judges .. ... ... ... ... ... | | | | | | | | | | | | | | | |
| Judges, Joint and Additional Judges ... ... | | | | | | | | | | | | | | | |
| JUDGES. Cases referred by Deputy Commissioners under section 34, C. P. C. ... ... ... | | | | | | | | | | | | | | | |
| JUDGES. Cases referred by Assistant Judges under section 31, C. P. C. ... ... ... ... | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | |
| **III.—SUPERIOR COURTS OF GENERAL JURISDICTION.** | | | | | | | | | | | | | | | |
| HIGH COURT. Cases coming before the Court under section 526, C. P. C. ... ... ... | | | | | | | | | | | | | | | |
| HIGH COURT. Cases committed by the Presidency Magistrates ... ... ... ... ... | | | | | | | | | | | | | | | |
| HIGH COURT. Cases referred by Sessions Judges under section 307, C. P. C. ... ... ... | | | | | | | | | | | | | | | |
| HIGH COURT. Cases referred by Sessions Judges under section 374, C. P. C. ... ... ... ... | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | |
| GRAND TOTAL ... | | | | | | | | | | | | | | | |

Omit fraction of a rupee.

[3] Include all judicial fines imposed during the year by the criminal courts in the exercise of original jurisdiction.

[3] Include all such fines realised during the year, though imposed in previous years.

INSTRUCTIONS.—This statement is meant to exhibit every sentence passed, and where two penalties are with solitary confinement and fine, he will appear in columns 6 and 10; if to rigorous imprisonment without columns 8 and 10; if to rigorous imprisonment and whipping, then in columns 6 or 7 and 12; if to rigorous in columns 6 or 7 and 15. In adding together the entries to ascertain the total number of persons punished, to will be accounted for in other columns. Further, to reconcile the number of persons entered in this state those in which fulfilment of contract is ordered under Act XIII of 1859, in a footnote, no special column being

As regards persons whose cases were referred for higher punishment, or for confirmation of sentence, will be entered against such Court accordingly, and not against the Court making the reference.

NOTE.—Column 25. This column should exhibit all fines imposed during the year on the persons shown in Column 26 should exhibit the realised portion of the above fines, including realisations of fines imposed Column 27 represents compensation awarded to complainants under section 545, Act X of 1882. These form part of such fines.

Compensation paid away out of realisations under section 250, Act X of 1882, should not be entered in any Columns 28 to 37 should include the persons entered in columns 6 to 8 and 17 at d 18. (Rule No. 13 of 15th

## MENT 5—(CRIMINAL).

*Tribunals in the exercise of Original Jurisdiction in the year* 18

| PERSONS IMPRISONED IN DEFAULT OF SECURITY FOR GOOD BEHAVIOUR. | | DETAIL OF PUNISHMENTS. | | | | | | | | | | | | | | | | | | WHIPPED. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | FINE.[1] | | | | | | | IMPRISONMENT. | | | | | | | | | | | | | | |
| | | | | | | | | | 15 days and under. | | 6 months and under. | | 2 years and under. | | 7 years and under. | | Above 7 years. | | | | | | |
| One year and under. | Three years and under. | Rs. 10 and under. | Rs. 50 and under. | Rs. 100 and under. | Rs. 500 and under. | Rs. 1,000 and under. | Above Rs. 1,000. | Total amount of fines imposed during the year [2] | Total amount of fines realized during the year.[3] | Amount paid by way of compensation. | Rigorous. | Simple. | Rigorous. | Simple. | Rigorous. | Simple. | Rigorous. | Simple. | Rigorous. | Simple. | 10 stripes and under. | 20 stripes and under. | 30 stripes and under. | Number of boys whose sentences were commuted to detention in a Reformatory School. |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 |

flicted on the same offender to exhibit them both. If a man has been sentenced to rigorous imprisonment ntary confinement, but with fine, then in columns 7 and 10; if to simple imprisonment and fine, then in prisonment, and to give recognizance to keep the peace under section 106, Criminal Procedure Code, then will be necessary to exclude columns 10 and 12 and the double entries in columns 15, as the persons referred ent as punished with the number entered as convicted in statement 4, it is necessary to note cases such as ovided for them in the statement.

e punishment to be shown in this statement is that, if any, sanctioned by the higher Court, and the accused

olumns 19-24 of the statement, by officers in the exercise of original jurisdiction.

it not recovered in a previous year.

wards should also be shown under the head *fines* "imposed" and "realised" in columns 24 and 26, for they

f the statements, except in the column for Remarks of Annual Statement 3.—(*H. C.* 905, 1883).

eptember 1884.)

ANNUAL STATE

**No. 10A.** SHOWING THE PARTICULARS OF WHIPPINGS

(*Rule No. 7 of*

PART I.

*Showing Whippings inflicted under Sections 2 and 3, Act VI, 1864, in lieu of other Punishments.*

| OFFENCES FOR WHICH AWARDED. | NUMBER OF STRIPES AWARDED. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 5 and under. | | 6 to 10. | | 11 to 15. | | 16 to 20. | | 21 to 25. | | 26 to 30. | | | |
| | 1st Conviction. | 2nd or subsequent Conviction. | 1st Conviction. | 2nd or subsequent Conviction. | 1st Conviction. | 2nd or subsequent Conviction. | 1st conviction. | 2nd or subsequent Conviction. | 1st Conviction. | 2nd or subsequent Conviction. | 1st Conviction. | 2nd or subsequent Conviction. | Total. | REMARKS. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| IN LIEU OF OTHER PUNISHMENT. (*Sections 2 and 3, Act VI, 1864.*) | | | | | | | | | | | | | | |
| 1. Theft, as defined in ... | Section 378, I. P. C. ,, 380, ,, ,, 381, ,, ,, 382, ,, | | | | | | | | | | | | | |
| 2. Extortion, as defined in .. | ,, 388, ,, ,, 389, ,, | | | | | | | | | | | | | |
| 3. Dishonestly receiving stolen property, as defined in... | ,, 411, ,, ,, 412, ,, | | | | | | | | | | | | | |
| 4. Lurking house-trespass, as defined in ... | ,, 443, ,, | | | | | | | | | | | | | |
| 5. Ditto by night, as defined in ... | ,, 444, ,, | | | | | | | | | | | | | |
| 6. House-breaking, as defined in ... ... | ,, 445, ,, | | | | | | | | | | | | | |
| 7. Ditto by night, as defined in ... | ,, 446, ,, | | | | | | | | | | | | | |
| 8. Offence under Section 14, Act III, 1880 ... ... ... ... ... | | | | | | | | | | | | | | |
| | | | | | | | | | | | TOTAL | | | |

NOTE.—Include juveniles punished under any of these heads.

* For the sub-heads—"Offence under Section 14, Act III, 1880," in column 1 of Parts I and II of ANNUAL STATEMENT 5A—(CRIMINAL), reproduced in Chapter V, at pages 268 and 269, *substitute* the sub-heads—"Offence under Section 52 of the Prisons Act, IX of 1894."—(*C. O. No. 2 of 23rd March, 1898.*)

MENT 5A—(CRIMINAL).

INFLICTED BY THE CRIMINAL TRIBUNALS DURING 18

*4th August* 1882.)

PART II.

*Showing Whippings inflicted* in addition *to other Punishments, Sections* 3 *and* 4, *Act VI,* 1864.

| OFFENCES FOR WHICH AWARDED. | NUMBER OF STRIPES. 5 and under. | 6 to 10. | 11 to 15. | 16 to 20. | 21 to 25. | 26 to 30. | Total. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| IN ADDITION TO OTHER PUNISHMENT. (*Sections* 3 *and* 4.) | | | | | | | | |
| *A.—Section* 3:— | | | | | | | | |
| 1. Theft, as defined in ... ... | | | | | | | | |
| 2. Extortion, as defined in ... | | | | | | | | |
| 3. Dishonestly receiving stolen property, as defined in ... | | | | | | | | |
| 4. Lurking house-trespass, as defined in ... ... ... | | | | | | | | |
| 5. Ditto by night, as defined in | | | | | | | | |
| 6. House-breaking, as defined in | | | | | | | | |
| 7. Ditto by night, as defined in | | | | | | | | |
| 8. Offence under Section 14, Act III, 1880 ... ... ... ... ... ... ... | | | | | | | | |
| *B.—Section* 4:— | | | | | | | | |
| 1. False evidence, as defined in | | | | | | | | |
| 2. False charge of unnatural offence, as defined in ... | | | | | | | | |
| 3. Assault, as defined in ... | | | | | | | | |
| 4. Rape, as defined in ... ... | | | | | | | | |
| 5. Unnatural offence, as defined in ... ... ... ... | | | | | | | | |
| 6. Robbery, as defined in ... | | | | | | | | |
| 7. Dacoity, as defined in ... | | | | | | | | |
| 8. Attempt at robbery, as defined in ... ... ... ... | | | | | | | | |
| 9. Hurt in committing robbery, as defined in ... ... ... | | | | | | | | |
| 10. Receiving stolen property, as defined in ... ... ... | | | | | | | | |
| 11. Forgery, as defined in ... | | | | | | | | |
| 12. Lurking house-trespass, as defined in ... ... ... | | | | | | | | |
| 13. Ditto by night, as defined in | | | | | | | | |
| 14. House-breaking, as defined in ... ... ... ... | | | | | | | | |
| 15. Ditto by night, as defined in | | | | | | | | |
| | | | | | | TOTAL | | |

NOTE.—Include juveniles punished under any of these heads.

## PART III.

*Showing Whippings inflicted under section 5, Act VI, 1864, on Juveniles for Offences other than those specified in Parts I and II.*

| OFFENCE. | STRIPES. | | | | | | | | | | | | TOTAL. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 5 and under. | | 6 to 10. | | 11 to 15. | | 16 to 20. | | 21 to 25. | | 26 to 30. | | | |
| | 1st Conviction. | Subsequent Conviction | 1st Conviction. | Subsequent Conviction | 1st Conviction. | Subsequent Conviction | 1st Conviction. | Subsequent Conviction. | 1st Conviction. | Subsequent Conviction. | 1st Conviction. | Subsequent Conviction. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | | | | | | | TOTAL | | — | |

## PART IV.

*Showing relative number of times Whipping was awarded, as compared with other Punishments.*

| Punishment. | Number. | REMARKS. |
|---|---|---|
| 1 | 2 | 3 |
| 1. Total number of whippings awarded[1] | | |
| 2. Total number of other punishments[2] | | |
| PERCENTAGE OF WHIPPINGS | | |

[1] Total of column 14, Parts I and III, and of column 8, Part II.

[2] Not counting punishments of which whipping was a part, but including all cases in which whipping might have been inflicted.

NOTE.—In column 2, against cross-heading 2, will be entered the total number of punishments of *all sorts*, not including whippings. In the column for remarks should be entered the total number of persons on whom whipping might have been, but was not, inflicted.—(*H. C. Progs., March* 1883.)

No. 11.

# ANNUAL STATEMENT 6—(CRIMINAL).

*Statement showing the Result of Appeal and Revision in Criminal Cases in the during the year* 18

| Class of tribunal. | Number of Persons.[1] | | | | | | | | | | | | Number of Cases. | | | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total number of appellants and applicants for revision, including pending from previous year. | Died, escaped, transferred. | Appeals or applications rejected. | Sentence or order confirmed | Sentence enhanced. | Sentence reduced or order otherwise altered. | Reversed. | Proceedings quashed | New trial or further enquiry ordered | Referred to the High Court for revision | Total whose cases were disposed of, including entries in columns 4 to 11. | Remaining at the end of the year. | Preferred during the year. | Disposed of during the year.[2] | Remaining at the close of the year | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| **APPEALS** | | | | | | | | | | | | | | | | |
| To — From | | | | | | | | | | | | | | | | |
| District Magistrates[3] ... Subordinate Magistrates[4] | | | | | | | | | | | | | | | | |
| Courts of Session — Magistrates[4] | | | | | | | | | | | | | | | | |
| Courts of Session — Assistant Judges | | | | | | | | | | | | | | | | |
| Superior Courts — by persons convicted — Presidency Magistrates | | | | | | | | | | | | | | | | |
| Superior Courts — by persons convicted — Deputy Commissioners acting under Section 34, C. P. C. | | | | | | | | | | | | | | | | |
| Superior Courts — by persons convicted — Sessions Judges ... | | | | | | | | | | | | | | | | |
| Superior Courts — by Government from judgments of acquittal, Section 417 — All Courts ... | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | |

In the cross-heading in Column 1 of ANNUAL STATEMENT 6 —(CRIMINAL), pages 272, 273, *ibid.* "Deputy Commissioners acting under Section 34, C. P. C." for the words "Deputy Commissioners," *substitute* the word "Magistrates."

*Insert* the following under the word "Remarks" in Column 17:—

Note in this column the number of convicted persons required to keep the peace under Section 106 (3), Criminal Procedure Code, by Courts of Appeal or Revision and the number of youthful offenders sent to a Reformatory School by Appellate Courts under Section 8 (2) of the Reformatory Schools Act, 1897.—(*C. O. No. 1 of 17th January 1900.*)

In the first line of the "NOTE" at the foot of the form of Annual Statement 6, reproduced on pages 272, 273, for the words "should be held to include only accused persons" *substitute* "should be held to include all persons (except complainants)"—(*H. C. Progs., September, 1895, No. 6.*)

REVISION

| BY | OR ORDER OF | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| DISTRICT MAGISTRATES | Subordinate Magistrates[4] .. | | | | | | | | | | | |
| COURTS OF SESSION .. ... | Magistrates[4] .. ... .. | | | | | | | | | | | |
| HIGH COURT (CASES REFERRED FOR ORDERS UNDER SECTIONS 432, 438) | Magistrates[4] ... ... .. | | | | | | | | | | | |
| HIGH COURT (CASES DEALT WITH UNDER SECTION 435) | Magistrates[4] .. .. | | | | | | | | | | | |
| | Courts of Session ... | | | | | | | | | | | |
| | Total .. | | | | | | | | | | | |
| | GRAND TOTAL ... | | | | | | | | | | | |

[1] Persons whose appeals were rejected under Section 421, Criminal Procedure Code, should be entered in column 4, in which District Magistrates and Sessions Judges should also include applicants for revision whose cases they refuse to submit to the High Court. In columns 5 to 10 they should show persons whose cases were disposed of by themselves without reference to the High Court, and in column 11 all persons whose cases they referred to the High Court. The result of such references will not be shown in their return, but in those of the High Court.

[2] Excluding cases in which appellant or applicant died, escaped, or was transferred.

[3] Or other Magistrates authorised to hear appeals under Section 407, Criminal Procedure Code.

[4] Including Benches of Magistrates.

NOTE.—The words "Applicants for revision" in the heading of column 2 should be held to include only accused persons on whose behalf an application for revision is made, or in whose interest the Magistrate or Judge may take steps to obtain revision on his own motion. Where such application is made or such steps are taken, on behalf of a complainant, the fact should be noted, with the number of complainants concerned, in the column of remarks. In the latter case, the accused persons against whom the application is made, though not appearing in column 2, will fall into their proper places in columns 3 to 13 according to the result of such application.—(*C. O. No. 3 of 21st February* 1884).

No. 12.

## ANNUAL STATEMENT 7—(CIVIL AND CRIMINAL).

*Statement showing use of Juries and Assessors in the Civil and Criminal Courts in the* *in the year* 18

| Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts. | Established or average number of Jurors or Assessors in each case, and prescribed qualification. | Number of cases tried by Jury | Number of cases with Assessors | JURY TRIALS | | | | ASSESSORS' TRIALS. | | | Remarks. (Note in what classes of cases Juries and Assessors have been principally employed.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Cases in which the Judge approved of the verdict | Cases in which the Judge did not approve of the verdict | | Number of persons of the verdict in respect of whom the Judge disapproved— | | Number of cases in which Judges agreed with Assessors | Number of cases in which Judges differed from Assessors. | |
| | | | | | Wholly. | Partially. | Whose cases he referred under section 307, C. P. C. | Whose cases he did not refer under section 307, C. P. C. | | One Assessor. | Both Assessors. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| **I.—CIVIL COURTS.** | | | | | | | | | | | | |
| Chief Court of District (or officer specially empowered) acting under Act X of 1870 ... Assessors | | | | | | | | | | | | |
| **II.—CRIMINAL COURTS.** | | | | | | | | | | | | |
| Magistrates' Courts under Chapter X, C. P. C. ... . Jurors . | | | | | | | | | | | | |
| Courts of Session .. . { Jurors / Assessors | | | | | | | | | | | | |
| High Court, Original Criminal Jurisdiction ... Jurors .. | | | | | | | | | | | | |
| Total | | | | | | | | | | | | |

## ANNUAL STATEMENT 8—(CRIMINAL).

No. 13. ANNUAL STATE

*Statement* showing the general result of the trial of European*

| DESCRIPTION OF OFFENCE. | NUMBER OF PERSONS ACCUSED AND BROUGHT BEFORE A MAGISTRATE. | | | | | | | | PERSONS WHOSE | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Remaining at the close of the previous year. | WITHIN THE YEAR. | | | | | | | BY DISTRICT MAGISTRATES AND OTHER 1ST CLASS MAGISTRATES. | | | | | | | |
| | | On complaint, section 191 (a), Criminal Procedure Code. | On Police Report, section 191 (b) of the Code. | By Magistrate *suo motu*, section 191 (c) of the Code. | On transfer from another district or province. (1) | Total. | Died, escaped, or transferred to other districts or provinces. (1) | Number actually brought to trial. | Received by transfer under section 46 IB of the Code. | Convicted. | Acquitted or discharged. | Committed. To Court of Session. | Committed. To High Court. | Transferred by order under section 46 IB of the Code. | Total omitting entries in columns 10 and 15. | |
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | |
| Offences against the State, Chapter VI of the Indian Penal Code. | | | | | | | | | | | | | | | | |
| Offences relating to the army and navy, Chapter VII | | | | | | | | | | | | | | | | |
| Do. against the public tranquillity, Chapter VIII | | | | | | | | | | | | | | | | |
| Do. by or relating to public servants, Chapter IX | | | | | | | | | | | | | | | | |
| Contempts of the lawful authority of public servants, Chapter X. | | | | | | | | | | | | | | | | |
| False evidence and offences against public justice, Chapter XI. | | | | | | | | | | | | | | | | |
| Offences relating to coin and Government stamps, Chapter XII. | | | | | | | | | | | | | | | | |
| Offences relating to weights and measures, Chapter XIII. | | | | | | | | | | | | | | | | |
| Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV. | | | | | | | | | | | | | | | | |
| Offences relating to religion, Chapter XV ... ... | | | | | | | | | | | | | | | | |
| Offences affecting the human body, Chapter XVI. — Offences affecting life ... ... | | | | | | | | | | | | | | | | |
| Causing of miscarriage; injuries to unborn children; exposure of infants; and the concealment of births. | | | | | | | | | | | | | | | | |
| Hurt ... ... ... ... ... | | | | | | | | | | | | | | | | |
| Wrongful restraint and wrongful confinement. | | | | | | | | | | | | | | | | |
| Criminal force and assault ... | | | | | | | | | | | | | | | | |
| Kidnapping, forcible abduction, slavery, and forced labour. | | | | | | | | | | | | | | | | |
| Rape ... ... ... ... ... | | | | | | | | | | | | | | | | |
| Unnatural offence ... ... ... | | | | | | | | | | | | | | | | |
| Offences against property, Chapter XVII. — Theft ... ... ... ... .. | | | | | | | | | | | | | | | | |
| Extortion ... ... ... ... | | | | | | | | | | | | | | | | |
| Robbery and dacoity ... ... | | | | | | | | | | | | | | | | |
| Criminal misappropriation of property ... ... ... ... | | | | | | | | | | | | | | | | |
| Criminal breach of trust ... ... | | | | | | | | | | | | | | | | |
| Receiving of stolen property .. | | | | | | | | | | | | | | | | |
| Cheating ... ... ... | | | | | | | | | | | | | | | | |
| Fraudulent deeds and disposition of property. | | | | | | | | | | | | | | | | |
| Mischief ... ... ... ... | | | | | | | | | | | | | | | | |
| Criminal trespass ... ... ... | | | | | | | | | | | | | | | | |
| Offences relating to documents and to trade or property marks, Chapter XVIII. | | | | | | | | | | | | | | | | |
| Criminal breach of contracts of service, Chapter XIX | | | | | | | | | | | | | | | | |
| Offences relating to marriage, Chapter XX ... ... | | | | | | | | | | | | | | | | |
| Defamation, Chapter XXI .. ... ... ... ... | | | | | | | | | | | | | | | | |
| Criminal intimidation, insult, and annoyance, Chapter XXII. | | | | | | | | | | | | | | | | |
| Offences under special and local laws ... ... ... | | | | | | | | | | | | | | | | |
| Total ... | | | | | | | | | | | | | | | | |

* (Prescribed by Rule No. 11 of 21st July 1884.)

(1) Note against each entry the number of persons whose cases were transferred and the district or province to

(2) Omit cases brought forward from the preceding year.

MENT 8—(CRIMINAL).

*British Subjects in* *in the year*

CASES WERE DISPOSED OF

| By Courts of Session. | | | | By High Court | | | Total for all Courts. | | | Number of cases | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Received by transfer under section 451B of the Code. | Convicted. | Acquitted or discharged. | Transferred to High Court under section 449 of the Code. | Total exclusive of column 17. | Convicted. | Acquitted. | Total | Convicted. | Acquitted or discharged. | Total. | Number of persons under trial at the close of the year. | Brought to trial (2). | Disposed of. | Pending. | Number of persons who applied to the High Court for an order under section 455 of the Code. | Of those entered in column 5, number who applied under section 2, Act III of 1884, for transfer or committal of their cases. | Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases. |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |

SUBSIDIARY TABLE.

| 35 | | | | | | | | | | 36 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Of the total number of persons shown in— | | | | | | | | | | Of cases shown in column 30— | |
| Column 16. | | | Column 21. | Columns 21 & 24. | | | | | | Disposed of by Magistrates. | Disposed of by Sessions Judges. |
| Number who claimed to be tried by a mixed jury, section 451A (1) of the Code. | | Number who did not so claim. | Number of those in column 35 (1) whose cases were transferred under section 451B of the Code. | Number who claimed a mixed number of assessors, section 451 (2) of the Code. | | Number who did not so claim. | Number who claimed to be tried by a mixed jury, section 451 (1) of the Code. | | | | |
| Number who did not so claim. | | | | | Number who did not so claim. | | | Number who did not so claim. | | | |
| Being European British subjects. | Other than European British subjects. | | | | Being European British subjects. | Other than European British subjects. | | Being European British subjects. | Other than European British subjects. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | |

from which the transfers were made.

No. 14.

# COMPARATIVE TABLE I—(CRIMINAL).

## ORIGINAL JURISDICTION.

*Statement of the Number of Offences reported, Complaints rejected, of Cases struck off as false, and of Cases returned as true, during the past as compared with the preceding year.*

| Description of Offences. | Offences reported. | | Complaints dismissed under section 203, C. C. P. | | Cases decided to be false, or in which the offence found not to have occurred. | | Cases returned as true. | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Class I.—Offences against the State and relating to the Army and Navy—Chapters VI and VII of the Indian Penal Code ... ... ... ... ... | | | | | | | | | |
| „ II.—Offences against the public tranquillity—Chapter VIII ... ... ... ... ... ... | | | | | | | | | |
| „ III.—Offences relating to public servants—Chapters IX and X ... ... ... ... ... ... | | | | | | | | | |
| „ IV.—Offences against public justice and false evidence—Chapter XI .. ... ... ... | | | | | | | | | |
| „ V.—Offences relating to coin, stamps, weights and measures—Chapter XII and XIII ... | | | | | | | | | |
| „ VI.—Offences affecting public health, &c., and Religion—Chapters XIV and XV ... ... | | | | | | | | | |
| „ VII.—Offences affecting the human body—Chapter XVI ... ... ... ... ... ... | | | | | | | | | |
| „ VIII.—Offences against property—Chapter XVII ... | | | | | | | | | |
| „ IX.—Miscellaneous offences under the Penal Code—Chapters XVIII to XXII ... ... ... ... | | | | | | | | | |
| Total of offences under Penal Code... ... ... | | | | | | | | | |
| „ X.—Offences under Special Laws ... ... ... | | | | | | | | | |
| Grand Total ... | | | | | | | | | |

*N.B.*—The figures for this statement are to be extracted from annual statement 2.

No. 15.

# COMPARATIVE TABLE II—(CRIMINAL).

## ORIGINAL JURISDICTION.

*Statement showing the number of cases brought to trial, the number of persons acquitted or discharged and convicted, and the percentage convicted, during the past as compared with the preceding year.*

| DESCRIPTION OF OFFENCES. | NUMBER OF CASES BROUGHT TO TRIAL DURING THE YEAR. | | NUMBER OF PERSONS— | | | | PERCENTAGE CONVICTED. | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | Acquitted or discharged. | | Convicted. | | | | |
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Class I.—Offences against the State and relating to the army and navy—Chapters VI and VII of the Indian Penal Code .. | | | | | | | | | |
| „ II.—Offences against the public tranquility—Chapter VIII ... | | | | | | | | | |
| „ III.—Offences relating to public servants—Chapters IX and X ... ... | | | | | | | | | |
| „ IV.—Offences against public justice and false evidence—Chapter XI ... | | | | | | | | | |
| „ V.—Offences relating to coin, stamps, weights and measures—Chapters XII and XIII ... ... ... ... | | | | | | | | | |
| „ VI.—Offences affecting public health, &c., and religion—Chapters XIV and XV | | | | | | | | | |
| „ VII.—Offences affecting the human body—Chapter XVI ... ... ... | | | | | | | | | |
| VIII.—Offences against property—Chapter XVII ... ... .. ... | | | | | | | | | |
| „ IX.—Miscellaneous offences under the Penal Code—Chapters XVIII to XXII ... | | | | | | | | | |
| Total under the Penal Code ... | | | | | | | | | |
| „ X.—Offences under Special Laws ... . | | | | | | | | | |
| GRAND TOTAL ... | | | | | | | | | |

*N.B.*—The figures for this statement are to be extracted from annual statement 2.

No. 16.

## COMPARATIVE TABLE III—(CRIMINAL).

### ORIGINAL JURISDICTION.

*Statement showing the number of cases brought to trial, disposed of, and pending trial in the Criminal Courts during the past as compared with the preceding year.*

| COURTS.[1] | BROUGHT TO TRIAL. | | DISPOSED OF. | | PENDING.[2] | | REMARKS. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| TOTAL | | | | | | | |

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give separately the figures for each district within the Sessions division.

[2] See Note 4, annual statement 4.

*N.B.*—The figures in this statement must agree with those given in annual statement 4.

No 17.

# TABLE IV—(CRIMINAL).

## ORIGINAL JURISDICTION

*Statement showing the Total Number of Persons under trial in Magistrates' Courts and Courts of Session during the year* 18 *and the Result of trial.*

| Detail of Courts[1] | Under trial during the year. | Acquitted or discharged. | Convicted. | Committed or referred | Died, escaped, transferred. | Remaining under trial | Percentage of persons entered in columns 3 and 4 who were convicted | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| TOTAL | | | | | | | | |

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions division

*N.B.*—The figures in this statement must agree with those given in annual statement 4.

No. 18.

## COMPARATIVE TABLE V—(CRIMINAL).

### ORIGINAL JURISDICTION.

*Statement showing the number of witnesses examined and discharged without examination, and the amount paid as expenses during the past as compared with the preceding year.*

| COURTS.[1] | NUMBER OF WITNESSES EXAMINED.[2] | | NUMBER OF WITNESSES DISCHARGED WITHOUT EXAMINATION. | | AMOUNT PAID AS EXPENSES.[3] | | REMARKS. |
|---|---|---|---|---|---|---|---|
| | 18 | 18 | 18 | 18 | 18 | 18 | |
| TOTAL ... | | | | | | | |

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions division.

[2] Column 25 of annual statement 4.

[3] Omit fractions of a rupee.

For the form of "TABLE VI.—(CRIMINAL)" reproduced in Chapter V, page 283 *substitute* the following :—

No. 19.

## TABLE VI—(CRIMINAL)

### ORIGINAL JURISDICTION.

*Statement showing the detention of witnesses during the year.* 18

| COURTS.[1] | NUMBER OF WITNESSES DISCHARGED— | | | | REMARKS.[2] |
|---|---|---|---|---|---|
| | On the 1st day. | On the 2nd day. | On the 3rd day. | After the 3rd day. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| TOTAL ... | | | | | |

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions division.

[2] Explain entries in column 5, and name officers before whom delay principally occurred.

NOTE.—Table VI is intended to exhibit not only the number of witnesses discharged after examination, but also those who were discharged without examination as shown in Table V, column 5.—(*C. O. No. 4, dated 6th May* 1880 )

No. 20.

## COMPARATIVE TABLE VII—(CRIMINAL).

*Statement showing the amount of Fines imposed by the Criminal Courts, the amount realised, and the amount paid by way of compensation during the past as compared with the preceding year.*

| COURTS.[1] | TOTAL AMOUNT OF FINES IMPOSED.[2] | | AMOUNT REALISED.[3] | | AMOUNT PAID BY WAY OF COMPENSATION [4] | | REMARKS. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |
| TOTAL .. | | | | | | | |

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions division.
[2] Column 25 of annual statement 5.
[3] Column 26 of ditto .
[4] Column 27 of ditto.

No. 21.

## COMPARATIVE TABLE VIII—(CRIMINAL).

### APPELLATE JURISDICTION.

*Statement showing the number of appeals (cases) preferred, disposed of, and pending in the Appellate Courts during the past as compared with the preceding year.*

| APPELLATE COURTS [1] | PREFERRED [2] | | DISPOSED OF [3] | | PENDING [4] | | REMARKS |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| TOTAL . | | | | | | | |

[1] District Magistrates should enter separately the designation of any officers empowered to hear appeals besides the District Magistrate. Sessions Judges should give the figures separately for each district within the Sessions division

[2] Column 14 of annual statement 6.

[3] Column 15 of ditto.

[4] Column 16 of ditto.

No. 22.

# TABLE IX—(CRIMINAL).

## APPELLATE JURISDICTION.

*Statement showing the result of appeals.*

| CLASS OF COURTS WHOSE ORDERS WERE APPEALED AGAINST. | Number of persons in respect of whom appealable orders were passed.[1] | Number of persons who appealed.[2] | NUMBER OF APPELLANTS WHOSE CASES WERE DECIDED.[3] | | | | Ratio per cent of column 3 to column 7. | Ratio per cent. of column 4 to column 2. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | Appeal rejected or sentence confirmed. | Sentence reduced, enhanced, or otherwise altered. | Sentence reversed, proceedings quashed, new trial or further enquiry ordered, or referred to the High Court. | Total. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Subordinate Magistrates ... ... ... ... | | | | | | | | | |
| Special Magistrates under section 14 ... ... ... | | | | | | | | | |
| Honorary Magistrates sitting singly { 2nd and 3rd class ... ... | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| Stipendiary Magistrates sitting singly { 2nd and 3rd class ... ... | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| Benches of Magistrates ... ... ... ... | | | | | | | | | |
| District and Divisional Magistrates (cases referred under sections 347, 349, C. P. C.) ... | | | | | | | | | |
| Chief Magistrates of districts ... ... ... ... | | | | | | | | | |
| TOTAL ... | | | | | | | | | |

[1] Columns 12 and 14 of annual statement 4. [2] Column 2 of annual statement 6, less remaining at the end of the previous year. [3] Column 12, annual statement 6.

In columns 8 and 9 of TABLE IX—(CRIMINAL) Chapter V at page 285, for the words and figures "Column 3 to Column 7" and "Column 4 to Column 2," respectively, *substitute* "Column 3 to Column 2" and "Column 4 to Column 7".

(*Slips for May 1892.*)

No. 23.

## COMPARATIVE TABLE X—(CRIMINAL).

### REVISIONAL JURISDICTION.

*Statement showing the number of applications (cases) for revision preferred, disposed of, and pending in the Courts of Revisional Jurisdiction during the past as compared with the preceding year.*

| COURTS TO WHICH APPLICATION FOR REVISION WAS MADE.[1] | PREFERRED.[2] | | DISPOSED OF.[3] | | PENDING.[4] | | REMARKS. |
|---|---|---|---|---|---|---|---|
| | 18 | 18 | 18 | 18 | 18 | 18 | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| TOTAL | | | | | | | |

[1] Session Judges should give the figures separately for each district within the Sessions division

[2] Column 14 of annual statement.

[3] Column 15 of annual statement 6.

[4] Column 16 of ditto.

No. 24.

# TABLE XI—(CRIMINAL).

## REVISIONAL JURISDICTION.

*Statement showing the Result of Applications for Revision made to the District Magistrate or Sessions Judge.*

| Class of Courts whose orders were the subject of Revision. | Total number of persons in respect of whom orders were passed.[1] | Number of persons who applied for revision.[2] | Number of Persons whose Applications for Revision were decided.[3] | | | | Ratio per cent of column 3 to column 2. | Ratio per cent of column 4 to column 7 | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | Applications rejected or order confirmed. | Proceedings modified | Proceedings reversed or quashed, new trial or further enquiry ordered, or referred to the High Court. | Total. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Subordinate Magistrates | | | | | | | | | |
| Special Magistrates under section 14 | | | | | | | | | |
| Honorary Magistrates sitting singly { 2nd and 3rd class | | | | | | | | | |
| Honorary Magistrates sitting singly { 1st class | | | | | | | | | |
| Stipendiary Magistrates sitting singly { 2nd and 3rd class | | | | | | | | | |
| Stipendiary Magistrates sitting singly { 1st class | | | | | | | | | |
| Benches of Magistrates | | | | | | | | | |
| District and Divisional Magistrates (cases referred under sections 347, 349, C. P. C.) | | | | | | | | | |
| Chief Magistrates of Districts | | | | | | | | | |
| Total | | | | | | | | | |

[1] Column 17 of annual statement 4, and columns 5 and 6 of annual statement 3 [2] column 2 of annual statement 6, less remaining at the end of preceding year.
[3] Column 12 of Annual statement 6.

No. 25.

## COMPARATIVE TABLE XII—(CRIMINAL).

*Statement shewing the Receipts and Charges of the Criminal Courts, and the Results, plus or minus, in the year* 18 *and* 18 .

| COURTS.[1] | RECEIPTS. | | CHARGES. | | RESULTS, PLUS OR MINUS. | | REMARKS. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| TOTAL . | | | | | | | |

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions division.

[2] Column 6 of annual statement I, Part 4.
Column 13 of ditto.

# CHAPTER VI.

## RULES RELATING TO OFFICERS OF THE COURTS.

### Process-servers.

**1.** [RULES* *under clause* 3, *section* 20, *of the Court-fees Act, VII of* 1870.]—The following monthly salaries shall be allowed to the peons employed in the service or execution of processes in the Courts of the Magistrates:—

1*st.*—In the Court of the Magistrate of the District—

| | Rs. |
|---|---|
| Peons, each ... ... ... ... | 7 |

2*nd.*—In Subdivisional Magistrates' Courts—

| | Rs. |
|---|---|
| Peons, each ... ... ... ... | 7 |

† NOTE.—The rates of remuneration for peons, provided by these rules, are intended to secure the services of men who can read and write. But whenever, on the occurrence of a vacancy, candidates thus qualified shall not be available, the Court on whose establishment the vacancy exists may record a declaration to that effect, and may then appoint temporarily some person whom it may consider competent to perform the duties, and who shall be paid at the rate of Rs. 5 per mensem in Munsifs' Courts, and Rs. 6 per mensem in all other Courts—provided that such appointments, when made by a Court subordinate to the District Judge or the Magistrate of the District, shall be subject to the approval of such Judge or Magistrate, and shall cease as soon as duly qualified candidates shall be procurable.[1]

* These Rules were circulated with Circular Order No. No. 37 of 17th November 1880.

† This note applies to Criminal Courts both in Bengal and in Assam. (*Rule No.* 5 *of* 15*th September* 1890).

[1] The High Court approved of a practice, introduced by a District Judge, of having half-yearly examinations for peons in reading and writing; all who obtain the stipulated number of marks are entered in a register of selected candidates, and are brought on the establishment as appointments fall vacant. This resulted in the appointment of a very superior class of men—(*H. C. Progs., March* 1883).

1A[a] The following monthly salaries shall be allowed to the peons employed in the service or execution of processes of the Criminal Courts in the Assam Valley Districts:—

In the Courts of Magistrates of the District and of Subdivisional Magistrates—

| | In Goalparah, Kamroop, Durrung and Nowgong | In Sibsagar and Lukhimpore. |
|---|---|---|
| | Rs. | Rs. |
| Peons, 2nd grade ... ... | 6 | 8 |
| „ 1st grade, after three years' approved service ... | 8 | 10 |

Provided that the number of peons in the higher grade shall not exceed one-third of the total number employed in any district.

2. [RULES[2] *framed by the High Court of Judicature at Fort William in Bengal in accordance with section 22 of the Court-fees Act*, 1870, *for the guidance of Magistrates in Bengal and Assam—C. Os. No.* 13 *of 2nd April and No.* 35 *of 17th November* 1879.]

*1st.*—The Magistrate of every district shall ascertain the average number of processes issued in a year from his own Court, and from each of the Courts subordinate thereto, during three years last past.[3]

*2nd.*—The peons to be employed in each district shall be, in number, sufficient for the execution of a like number of processes, each peon being, for this purpose, considered capable of executing 300 processes per annum.

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[a] Inserted by Rule No. 5 of 15th September 1890, published in *Assam Gazette* of the 30th August 1890, Part III, page 504

[2] Published at page 304 of the *Calcutta Gazette* of the 2nd April 1879, and at page 596 of the *Assam Gazette* of the 18th October 1879

[3] To calculate the maximum number of peons to be employed, each copy of a process should be taken as one process, whether the copies are to be served in the same village or in different villages (*H C* 2288 *of* 1882) But a smaller number should be employed, when sufficient for the work.

In the Assam Valley Districts and Cachar, each peon shall be considered capable of executing 300 original[1] processes, and in Sylhet 200 such processes per annum.

*3rd.*—In the districts named on the margin, where the peons entrusted with a large proportion of processes have to be conveyed by boat, the number of processes which each peon is expected to serve may be reduced by one-third, and the number of peons to be employed shall be calculated accordingly.

| *Bengal.* | |
|---|---|
| Backergunge. | Chittagong. |
| Dacca. | Dinagepore |
| Jessore. | Mymensingh |
| | Rajshahye. |
| | Rungpore. |

*N. B.*—For the districts in the 2nd column the calculation is to be made for from May to October, inclusive, only.

*Assam.*—Sylhet.

2° *4th.*—Where it appears advisable to the Magistrate of the district, he may authorise the appointment of such number of peons on the whole for all the Courts in his district as may suffice for executing the total number of processes of those Courts, and may from time to time apportion such peons, according to need, among such Courts.

3° *5th.*—When it appears to the District Magistrate that the number of processes issued out of any Court or Courts in the district has increased by 10 per cent., he shall be competent to make a corresponding increase in the number of peons, and if there shall be a diminution to the like extent, or if he should be satisfied that the processes of all or any of such Courts can be executed by a smaller number of peons, it shall be his duty to make a reduction accordingly.

[1] The term "original process" means the original document which is filed with the record of a case, which document includes the names of all persons residing within the jurisdiction of the Court upon whom copies of that document (whether it be a summons, warrant, notice or other process) are to be served in the same case and at the same time. (*This note and the paragraph to which it refers were inserted by Rule No.* 5 *of* 15*th September* 1890)

3. After Rule 2 and before the words "*Uncovenanted Service*" in Chapter VII, page 293, *insert* the following :—

2A. [*District Magistrates not to issue Circular Orders to their subordinates on judicial matters without the previous sanction of the High Court—C. O. No. 2 of 16th June 1900.*] District Magistrates are prohibited from issuing general orders in the form of Circulars on judicial matters to the Magistrates subordinate to them. If there be any matter connected with the administration of Criminal justice in their Districts which in their opinion requires the issue of a general order for the information and guidance of the Courts subordinate to them, they should submit such order for the confirmation and approval of the High Court, without which it should in no case be issued.

# CHAPTER VII.

## MISCELLANEOUS.

### Matters connected with Public Officers.

*Judges and Magistrates.*

1. [*Imputation of prejudice—C. O. No. 7 of 7th April* 1877.]—The accompanying copy of a despatch from the Secretary of State for India to the Government of Madras is circulated for the information and guidance of all Judges and Magistrates:—

"The memorialist was prosecuted by the Collector, and he alleges that when the Sessions Judge came to try the case, he resided at the Collector's house and was greatly prejudiced by the Collector against the memorialist. I have no doubt that the latter assertion is quite unfounded, but I think it would be well if Your Grace in Council would suggest to the Judges, through the High Court, to avoid, as far as possible, becoming the guests of those who are interested in cases, civil or criminal, which will eventually be submitted to the Judge's decision. All possible imputation of prejudice against the weaker party will thus be avoided."

2. [*Sessions Judges not to issue general instructions or Circular Orders to Magistrates—C. O. No.* 1 *of* 22*nd January* 1891.]—Sessions Judges should not, without permission previously obtained from the High Court, issue general instructions or Circular Orders of any kind for the guidance of Magistrates.

*Uncovenanted Service.*

3. [*Uncovenanted Officers not to lend money—C. O. No.* 186 *of* 25*th October* 1844.]—(*a*) The rule in section 2,

Regulation XXXVIII, 1793, prohibiting public officers from lending money to persons within their jurisdiction, extends to all Uncovenanted Judicial Officers.

(*b*) [*Uncovenanted Officers not to hold lands in their Districts—C. O. No. 202 of 25th April* 1846.]—No officer in Government service can be permitted to hold lands in any district in which he exercises Civil or Criminal Jurisdiction.

## Libraries.

4. [*Rules for the management of Libraries—C O. No. 36 of 30th November* 1878, *and C. O.* (*Civil*) *No.* 3 of 25*th January* 1856 ]—1*st.*—The Head Clerk of the English Office shall be appointed Librarian. He will be primarily responsible for the custody and preservation of the books composing the office Library; but this will not relieve the Magistrate or other presiding authority from the general responsibility devolving on him as Head of the Office.

2*nd.*—Correct catalogues should be immediately made of the books in the Library. It might be useful to insert a column in the catalogue showing the date of receipt of each book. The catalogues should be of English paper and strongly bound for permanent record.

3*rd.*—Each book should have a number labelled upon it corresponding to a number in the catalogue, and, as fresh additions are made to the Library, they should be labelled and numbered in like manner. Each book should also be marked on several leaves with the Office stamp.

4*th.*—Whenever a book is required out of the Library by any Officer other than the Judge or Magistrate competent to require the same, the Librarian

should send a receipt on a slip of paper, which the recipient should sign and return on getting the book. These receipts shall be destroyed on the books being returned to the office.

### High Court—Communication with.

5. [*Letters, &c., intended for the High Court, how to be addressed—C. O. No.* 8 *of* 12*th August* 1881.]—Covers, whether printed or written, intended for the High Court should be addressed—"To the Registrar, (Appellate or Original Side, *as the case may be*), High Court of Judicature, Calcutta.

# APPENDICES.

THE forms included in the following appendices have been prescribed for use in the Criminal Courts subject to the Appellate Jurisdiction of the High Court:—

APPENDIX A.—FORMS FOR PROCESSES AND PROCEEDINGS.
„ B.—MISCELLANEOUS FORMS.

## Indents for Forms.

[*Annual and Emergent Indents for Judicial Forms—C. O. No. 7 of 10th December* 1890.]—(*a*) Annual Indents for Authorised Judicial Forms must be submitted to the Superintendent of Stationery not later than the 1st of February in each year for a supply for the twelve months from 1st August to 31st July following.

(*b*) Emergent indents can be sent in and will be complied with at any time of the year; but such indents should be sent in through the High Court.

## APPENDIX A.—(*Forms for Processes or Proceedings in Criminal Courts*).

| Number of the form as entered in the indent. | DESCRIPTION OF FORM. | Section of the Code of Criminal Procedure or other Act to which the form applies. | Authority for the form. | PAPER ON WHICH PRINTED. | | Number of the form as entered in the previous indent. | REMARKS. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| 1 | Summons to an accused person ... ... | 68, C. C. P. ... ... | Act X of 1882, Schedule V, No. I. | One-fourth | Half-bleached double foolscap, 16lbs. | | |
| 1A | Ditto in Urya ... ... | | | | | 1 | |
| 1B | Ditto in Bengali ... ... | | | | | | |
| 1C | Ditto in Hindi ... ... | | | | | | |
| 2 | Warrant of arrest ... ... | 75, C. C. P. ... ... | Ditto, No. II | Ditto ... | Ditto, 24lbs | 2 | |
| 2A | Ditto in Urya ... ... | | | | | | |
| 2B | Ditto in Bengali ... ... | | | | | | |
| 2C | Ditto in Hindi ... ... | | | | | | |
| 3 | Bond and bail bond after arrest under a warrant. | 86, C. C. P. ... ... | Ditto, ,, III | Ditto ... | Ditto, ditto ... | 3 | |
| 3A | Ditto in Urya ... ... | | | | | | |
| 3B | Ditto in Bengali ... ... | | | | | | |
| 3C | Ditto in Hindi ... ... | | | | | | |
| 4 | Proclamation requiring the appearance of a person accused | 87, C. C. P. ... ... | Ditto, ,, IV | Ditto ... | Ditto, ditto ... | 4 | |
| 4A | Ditto in Urya ... ... | | | | | | |
| B | Ditto in Bengali ... ... | | | | | | |
| 4C | Ditto in Hindi ... ... | | | | | | |
| 5 | Proclamation requiring the attendance of a witness. | Ditto ... ... | Ditto, ,, V | Ditto ... | Ditto, ditto ... | 5 | |
| 5A | Ditto in Urya ... ... | | | | | | |
| 5B | Ditto in Bengali ... ... | | | | | | |
| 5C | Ditto in Hindi ... ... | | | | | | |
| 6 | Order of attachment to compel the attendance of a witness. | 88, C. C. P. ... ... | Ditto, ,, VI | Ditto ... | Ditto, ditto ... | 6 | |
| 6A | Ditto in Urya ... ... | | | | | | |
| 6B | Ditto in Bengali ... ... | | | | | | |
| 6C | Ditto in Hindi ... ... | | | | | | |

| Number of the form as entered in the indent. | Description of Form. | Section of the Code of Criminal Procedure or other Act to which the form applies. | Authority for the form. | Paper on which printed. | | Number of the form as entered in the previous indent. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| 7 | Order of attachment to compel the appearance of a person accused. | 88, C. C. P. ... ... | Act X of 1882, Schedule V, No. VI. | One-fourth | Half-bleached double foolscap, 24lbs. | 7 | |
| 7A | Ditto in Urya ... ... | | | | | | |
| 7B | Ditto in Bengali ... ... | | | | | | |
| 7C | Ditto in Hindi ... ... | | | | | | |
| 8 | Order authorizing an attachment by the Deputy Commissioner as Collector. | Ditto ... ... | Ditto, No. VI | Ditto ... | Ditto, ditto .. | 8 | |
| 8A | Ditto in Urya ... ... | | | | | | |
| 8B | Ditto in Bengali ... ... | | | | | | |
| 8C | Ditto in Hindi ... ... | | | | | | |
| 9 | Warrant in the first instance to bring up a witness. | 90, C. C. P. ... .. | Ditto, ,, VII | Ditto ... | Ditto, ditto ... | 9 | |
| 9A | Ditto in Urya ... ... | | | | | | |
| 9B | Ditto in Bengali ... ... | | | | | | |
| 9C | Ditto in Hindi ... ... | | | | | | |
| 10 | Warrant to search after information of a particular offence. | 96, C. C. P. ... ... | Ditto, ,, VIII | Ditto ... | Ditto, ditto ... | 10 | |
| 10A | Ditto in Urya | | | | | | |
| 10B | Ditto in Bengali ... ... | | | | | | |
| 10C | Ditto in Hindi ... ... | | | | | | |
| 11 | Warrant to search suspected place of deposit. | 98, C. C. P. ... ... | Ditto, ,, IX | Ditto ... | Ditto, ditto ... | 11 | |
| 11A | Ditto in Urya ... ... | | | | | | |
| 11B | Ditto in Bengali ... ... | | | | | | |
| 11C | Ditto in Hindi ... ... | | | | | | |
| 12 | Bond to keep the peace | 106, C. C. P. ... ... | Ditto, ,, X | Ditto ... | Ditto, ditto ... | 12 | |
| 12A | Ditto in Urya ... ... | | | | | | |
| 12B | Ditto in Bengali ... ... | | | | | | |
| 12C | Ditto in Hindi ... ... | | | | | | |
| 13 | Bond for good behaviour | 109-110, C. C. P. ... | Ditto, ,, XI | Ditto ... | Ditto, ditto ... | 13 | |
| 13A | Ditto in Urya ... ... | | | | | | |
| 13B | Ditto in Bengali .. ... | | | | | | |
| 13C | Ditto in Hindi ... ... | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 14 | Summons on information of a probable breach of the peace. | 114, C. C P. ... ... | Ditto ,, XII | Ditto ... | Ditto, ditto ... | 14 | |
| 14A | Ditto in Urya ... ... | | | | | | |
| 14B | Ditto in Bengali ... ... | | | | | | |
| 14C | Ditto in Hindi ... ... | | | | | | |
| 15 | Summons on information of a person being a vagrant or a suspected person or an habitual offender. | Ditto ... .. | Rule No. 4 of the 3rd September 1890. | Ditto .. | Ditto, ditto ... | 14(a) | |
| 15A | Ditto in Urya ... ... | | | | | | |
| 15B | Ditto in Bengali ... ... | | | | | | |
| 15C | Ditto in Hindi ... ... | | | | | | |
| 16 | Warrant of commitment on failure to find security to keep the peace. | 123, C. C. P. ... ... | Act X of 1882, Schedule V, No. XIII. | Ditto ... | Ditto, ditto ... | 15 | |
| 16A | Ditto in Urya ... ... | | | | | | |
| 16B | Ditto in Bengali ... ... | | | | | | |
| 16C | Ditto in Hindi ... ... | | | | | | |
| 17 | Warrant of commitment on failure to find security for good behaviour. | Ditto ... . | Ditto, No. XIV | Ditto ... | Ditto, ditto | 16 | |
| 17A | Ditto in Urya ... ... | | | | | | |
| 17B | Ditto in Bengali ... ... | | | | | | |
| 17C | Ditto in Hindi ... ... | | | | | | |
| 18 | Warrant to discharge a person imprisoned on failure to give security. | 123-124, C. C. P. .. | Ditto, ,, XV | Ditto .. | Ditto, ditto ... | 17 | |
| 18A | Ditto in Urya ... ... | | | | | | |
| 18B | Ditto in Bengali ... ... | | | | | | |
| 18C | Ditto in Hindi ... ... | | | | | | |
| 19 | Order for the removal of nuisances ... | 133 C. C. P. ... ... | Ditto, ,, XVI | Ditto ... | Ditto, ditto ... | 18 | |
| 19A | Ditto in Urya ... ... | | | | | | |
| 19B | Ditto in Bengali ... ... | | | | | | |
| 19C | Ditto in Hindi ... ... | | | | | | |
| 20 | Magistrate's order constituting a jury | 138, C. C. P. ... ... | Ditto, ,, XVII | Ditto ... | Ditto, ditto | 1 | |
| 20A | Ditto in Urya ... ... | | | | | | |
| 20B | Ditto in Bengali ... ... | | | | | | |
| 20C | Ditto in Hindi ... ... | | | | | | |
| 21 | Magistrate's notice and peremptory order after the finding by a jury. | 140, C. C. P. ... ... | Ditto, ,, XVIII | Ditto ... | Ditto, ditto ... | 20 | |
| 21A | Ditto in Urya ... ... | | | | | | |
| 21B | Ditto in Bengali ... ... | | | | | | |
| 21C | Ditto in Hindi ... ... | | | | | | |

| Number of the form as entered in the indent. | Description of Form. | Section of the Code of Criminal Procedure or other Act to which the form applies. | Authority for the form. | Paper on which printed. | | Number of the form as entered in the previous indent. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| 22 | Injunction to provide against imminent danger pending inquiry by jury. | 142, C. C. P. ... ... | Act X of 1882, Schedule V, No. XIX. | One-fourth | Half-bleached double foolscap, 24lbs. | 21 | |
| 22A | Ditto in Urya ... ... | | | | | | |
| 22B | Ditto in Bengali ... ... | | | | | | |
| 22C | Ditto in Hindi ... ... | | | | | | |
| 23 | Magistrate's order prohibiting the repetition, &c., of a nuisance. | 143, C. C. P.... ... | Ditto, ,, XX | Ditto ... | Ditto, ditto ... | 22 | |
| 23A | Ditto in Urya ... ... | | | | | | |
| 23B | Ditto in Bengali ... ... | | | | | | |
| 23C | Ditto in Hindi ... ... | | | | | | |
| 24 | Magistrate's order to prevent obstruction, riot, &c. | 144, C. C. P.... ... | Ditto, ,, XXI | Ditto ... | Ditto, ditto ... | 23 | |
| 24A | Ditto in Urya ... ... | | | | | | |
| 24B | Ditto in Bengali ... ... | | | | | | |
| 24C | Ditto in Hindi ... ... | | | | | | |
| 25 | Magistrate's order declaring party entitled to retain possession of land, &c., in dispute. | 145, C. C. P.... ... | Ditto, ,, XXII | Ditto ... | Ditto, ditto ... | 24 | |
| 25A | Ditto in Urya ... ... | | | | | | |
| 25B | Ditto in Bengali ... ... | | | | | | |
| 25C | Ditto in Hindi ... ... | | | | | | |
| | Warrant of attachment in the case of a dispute as to the possession of land, &c. | 146, C. C. P.... .. | Ditto, ,, XXIII | Ditto ... | Ditto, ditto ... | 25 | |
| 26A | Ditto in Urya ... ... | | | | | | |
| 26B | Ditto in Bengali ... ... | | | | | | |
| 26C | Ditto in Hindi ... ... | | | | | | |
| 27 | Magistrate's order prohibiting the doing of anything on land or water. | 147, C. C. P.... ... | Ditto, ,, XXIV | Ditto ... | Ditto, ditto ... | 26 | |
| 27A | Ditto in Urya ... ... | | | | | | |
| 27B | Ditto in Bengali ... ... | | | | | | |
| 27C | Ditto in Hindi ... ... | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 28 | Bond or bail bond on a preliminary inquiry before a Police officer. | 69, C. C. P.... ... | Act X of 1882, Schedule V, No. XXV | One-fourth | Half-bleached double foolscap, 24lbs. | | 27 |
| 28A | Ditto in Urya ... ... | | | | | | |
| 28B | Ditto in Bengali ... ... | | | | | | |
| 28C | Ditto in Hindi ... ... | | | | | | |
| 29 | Bond to prosecute or give evidence ... | 170, C. C. P.... ... | Ditto, XXVI | Ditto ... | Ditto, ditto .... | | 28 |
| 29A | Ditto in Urya ... ... | | | | | | |
| 29B | Ditto in Bengali ... ... | | | | | | |
| 29C | Ditto in Hindi ... ... | | | | | | |
| 30 | Notice of commitment by Magistrate to Government Pleader. | 218, C. C. P.... ... | Ditto, ,, XXVII | Ditto ... | Ditto, 20lbs. .. | | 39 |
| 30A | Ditto in Urya ... ... | | | | | | |
| 30B | Ditto in Bengali ... ... | | | | | | |
| 30C | Ditto in Hindi ... ... | | | | | | |
| 31 | Warrant of commitment for intermediate custody in cases committed to the Sessions. | 220, C. C. P.... ... | High Court ... ... ... | Ditto ... | Ditto, ditto. ... | | 68 |
| 31A | Ditto in Urya ... ... | | | | | | |
| 31B | Ditto in Bengali ... ... | | | | | | |
| 31C | Ditto in Hindi ... ... | | | | | | |
| 32 | Charge with one head ... ... | 221, 222, 223, C. C. P. | Act X of 1882, Schedule V, No. XXVIII(i) | Ditto | Cream-wove double foolscap, 24lbs. | | 30 |
| 32A | Ditto in Urya ... ... | | | | | | |
| 32B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 32C | Ditto in Hindi ... ... | | | | | | |
| 33 | Charges with two heads ... ... | Ditto ... ... | Ditto, ,, XXVIII(ii) | Ditto | Cream-wove double foolscap, 24lbs. | | 31 |
| 33A | Ditto in Urya ... ... | | | | | | |
| 33B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 33C | Ditto in Hindi ... ... | | | | | | |
| 34 | Charges with three heads ... ... | Ditto ... ... | Ditto, ,, XXVIII(ii) | Ditto | Cream-wove double foolscap, 24lbs. | | 32 |
| 34A | Ditto in Urya ... ... | | | | | | |
| 34B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 34C | Ditto in Hindi ... ... | | | | | | |
| 35 | Charges with four heads ... ... | Ditto .. ... | Ditto, ,, XXVIII(ii) | Ditto | Cream-wove double foolscap, 24lbs. | | 33 |
| 35A | Ditto in Urya ... ... | | | | | | |
| 35B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 35C | Ditto in Hindi ... ... | | | | | | |

| Number of the form as entered in the indent. | Description of Form. | Section of the Code of Criminal Procedure or other Act to which the form applies. | Authority for the form. | Paper on which printed. | | Number of the form as entered in the previous indent. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| 36 | Charge for theft after a previous conviction. | 221, 222, 223, C. C. P. | Act X of 1882, Schedule V, No. XXVIII(m) | One-fourth | Cream-wove double foolscap, 24lbs. | 34 | |
| 36A | Ditto in Urya ... ... | | | | | | |
| 36B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 36C | Ditto in Hindi ... ... | | | | | | |
| 37 | Warrant of commitment on a sentence of imprisonment or fine passed by a Magistrate. | 245, 258, C. C. P. ... | Ditto, „ XXIX | Ditto | Cream-wove double foolscap, 24lbs. | 35 | |
| 37A | Ditto in Urya ... ... | | | | | | |
| 37B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 37C | Ditto in Hindi ... ... | | | | | | |
| 38 | Form to be attached to all warrants of commitment. | Ditto, ... ... | C. O. No. 7 of 15th June 1881 and Rule 2 of 2nd April 1886. | ... ... | ..... | 17 | |
| 39 | Warrant of imprisonment on failure to recover by distress. | 250, C. C. P. ... | Act X of 1882, Schedule V, No. XXX | One-fourth | Cream-wove double foolscap, 24lbs. | 36 | |
| 39A | Ditto in Urya ... ... | | | | | | |
| 39B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 39C | Ditto in Hindi ... ... | | | | | | |
| 40 | Summons to a witness ... ... | 68—252, C. C. P. ... | Ditto, „ XXXI | Ditto ... | Ditto, 16lbs | 37 | |
| 40A | Ditto in Urya ... | | | | | | |
| 40B | Ditto in Bengali ... .. | | | | | | |
| 40C | Ditto in Hindi ... .. | | | | | | |
| 41 | Precept to District Magistrate to summon Jurors and Assessors. | 326, C. C. P.... ... | Ditto, „ XXXII | Ditto ... | Ditto, 24lbs ... | 38 | |
| 42 | Summons to Assessor or Juror ... | 328, C. C. P. .. .. | Ditto, „ XXXIII | Ditto ... | Ditto, 16lbs ... | 39 | |
| 42A | Ditto in Urya ... ... | | | | | | |
| 42B | Ditto in Bengali ... ... | | | | | | |
| 42C | Ditto in Hindi ... ... | | | | | | |
| 43 | Warrant for intermediate custody ... | 344, C. C. P. ... ... | Rule No. 5 of 10th June 1881 and Rule No. 5 of 4th May 1882. | Ditto .. | Half-bleached double foolscap, 24lbs. | 93 | |
| 43A | Ditto in Urya ... | | | | | | |
| 43B | Ditto in Bengali ... | | | | | | |
| 43C | Ditto in Hindi ... | | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 44 | Warrant of commitment under sentence of death. | 374, C. C. P. ... ... | Act X of 1882, Schedule V, No XXXIV. | Half ... | Hand-made foolscap, 15lbs. | 40 |
| 45 | Warrant of execution on a sentence of death. | 381, C. C. P. ... ... | Ditto, No. XXXV... | Do. ... | Ditto ditto ... | 41 |
| 46 | Warrant after a commutation of a sentence. | 381, 382, C. C. P. ... | Ditto, ,, XXXVI | One-fourth | Cream-wove double foolscap, 24lbs. | 42 |
| 47 | Warrant to levy a fine by distress or sale. | 386, C. C. P. ... ... | Ditto, ,, XXXVII | Ditto ... | Ditto, ditto ... | 43 |
| 47A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 47B | Ditto in Bengali ... ... | | | | | |
| 47C | Ditto in Hindi ... ... | | | | | |
| 48 | Warrant of release on appeal ... ... | 423, C. C. P. ... ... | C. O. No. 3 of 24th March 1880. | Ditto ... | Ditto, ditto ... | 95 |
| 48A | Ditto in Urya ... ... | | | | | |
| 48B | Ditto in Bengali ... ... | | | | | |
| 48C | Ditto in Hindi ... ... | | | | | |
| 49 | Warrant for use by Appellate Court when sentence modified on appeal. | Ditto ... ... | Rule No. 2, dated 19th September 1888. | Ditto ... | Ditto, ditto ... | 167 |
| 49A | Ditto in Urya ... ... | | | | | |
| 49B | Ditto in Bengali ... .. | | | | | |
| 49C | Ditto in Hindi ... ... | | | | | |
| 50 | Form of warrant for release on bail of appellant in Jail. | 426, C. C. P. ... ... | C O. No. 3 of 24th March 1880. | Ditto ... | Ditto, ditto ... | 9 |
| 50A | Ditto in Urya ... .. | | | | | |
| 50B | Ditto in Bengali ... ... | | | | | |
| 50C | Ditto in Hindi ... ... | | | | | |
| 51 | Warrant of commitment to the Presidency Jail of European British subject pending trial by the High Court. | 417, C. C. P. ... ... | C O. No. 8 of 6th August 1866. | Ditto ... | Cream-wove double foolscap, 24lbs. | 114 |
| 51A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 51B | Ditto in Bengali ... ... | | | | | |
| 51C | Ditto in Hindi ... ... | | | | | |
| 52 | Warrant to Police Officer in case of European British subject committed for trial to High Court. | Ditto ... ... | Ditto ... | Ditto... | Cream-wove double foolscap, 24lbs. | 115 |
| 52A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 52B | Ditto in Bengali ... ... | | | | | |
| 52C | Ditto in Hindi ... .. | | | | | |

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|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| 53 | Warrant of commitment in certain cases of contempt when a fine is imposed. | 480, C. C. P. ... ... | Act X of 1882, Schedule V, No. XXXVIII. | One-fourth. | Cream-wove double foolscap, 24lbs. | 44 | |
| 53A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 53B | Ditto in Bengali ... ... | | | | | | |
| 53C | Ditto in Hindi ... ... | | | | | | |
| 54 | Magistrate's or Judge's warrant of commitment of witness refusing to answer. | 485, C. C. P. ... ... | Ditto, No. XXXIX | Ditto ... | White double foolscap, 24lbs. | 45 | |
| 54A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 54B | Ditto in Bengali ... ... | | | | | | |
| 54C | Ditto in Hindi ... ... | | | | | | |
| 55 | Warrant of imprisonment on failure to pay maintenance. | 488, C. C. P ... ... | Ditto, ,, XL ... | Ditto ... | White double foolscap, 24lbs. | 46 | |
| 55A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 55B | Ditto in Bengali ... ... | | | | | | |
| 55C | Ditto in Hindi ... ... | | | | | | |
| 56 | Warrant to enforce the payment of maintenance by distress and sale. | Ditto ... ... | Ditto, ,, XLI ... | Ditto ... | White double foolscap, 24lbs. | 47 | |
| 56A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 56B | Ditto in Bengali ... ... | | | | | | |
| 56C | Ditto in Hindi ... ... | | | | | | |
| 57 | Bond and bail bond on a preliminary inquiry before a Magistrate. | 496, C. C. P. ... ... | Ditto, ,, XLII ... | Ditto ... | White double foolscap, 24lbs. | 48 | |
| 57A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 57B | Ditto in Bengali ... ... | | | | | | |
| 57C | Ditto in Hindi ... ... | | | | | | |
| 58 | Warrant to discharge a person imprisoned on failure to give security. | 500, C. C. P. ... ... | Ditto, XLIII ... | Ditto ... | White double foolscap, 24lbs. | 49 | |
| 58A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 58B | Ditto in Bengali ... ... | | | | | | |
| 58C | Ditto in Hindi ... ... | | | | | | |
| 59 | Commission to examine a witness ... | 503, 506, C. C. P. ... | High Court ... ... | Ditto ... | White double foolscap, 24lbs. | 63 | |
| 59A | Ditto in Urya ... ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 59B | Ditto in Bengali ... ... | | | | | | |
| 59C | Ditto in Hindi ... ... | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 60 | Warrant of attachment to enforce a bond. | 514, C. C. P. ... ... | Act X of 1882, Schedule V, No. XLIV. | Ditto | White double foolscap, 24lbs. | 50 |
| 60A | Ditto in Urya ... ... | | | | | |
| 60B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 60C | Ditto in Hindi ... ... | | | | | |
| 61 | Notice to surety on breach of a bond ... | Ditto ... ... | Ditto, No. XLV ... | Ditto | White double foolscap, 24lbs. | 51 |
| 61A | Ditto in Urya ... ... | | | | | |
| 61B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 20lbs. | |
| 61C | Ditto in Hindi ... ... | | | | | |
| 62 | Notice to surety of forfeiture of bond for good behaviour. | Ditto ... .. | Ditto, ,, XLVI .. | Ditto | White double foolscap, 24lbs. | 52 |
| 62A | Ditto in Urya ... ... | | | | | |
| 62B | Ditto in Bengali ... .. | | | | Half-bleached double foolscap, 20lbs. | |
| 62C | Ditto in Hindi ... ... | | | | | |
| 63 | Warrant of attachment against a surety | Ditto ... ... | Ditto, ,, XLVII . | Ditto | White double foolscap, 24lbs. | 53 |
| 63A | Ditto in Urya ... ... | | | | | |
| 63B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 63C | Ditto in Hindi ... ... | | | | | |
| 64 | Warrant of commitment of the surety of an accused person admitted to bail. | Ditto ... ... | Ditto, ,, XLVIII | Ditto | White double foolscap, 24lbs. | 54 |
| 64A | Ditto in Urya ... ... | | | | | |
| 64B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 64C | Ditto in Hindi ... ... | | | | | |
| 65 | Notice to the principal of forfeiture of a bond to keep the peace. | | | | | |
| 65A | Ditto in Uyra ... ... | Ditto ... .. | Ditto, ,, XLIX ... | Ditto ... | Half-bleached double foolscap, 20lbs. | 55 |
| 65B | Ditto in Bengali ... ... | | | | | |
| 65C | Ditto in Hindi ... ... | | | | | |
| 66 | Warrant to attach the property of the principal on breach of a bond to keep the peace. | Ditto ... ... | Ditto, ,, L ... | Ditto | White double foolscap, 24lbs. | 56 |
| 66A | Ditto in Urya ... ... | | | | | |
| 66B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 66C | Ditto in Hindi ... ... | | | | | |
| 67 | Warrant of imprisonment on breach of a bond to keep the peace. | Ditto ... ... | Ditto, ,, LI ... | Ditto | White double foolscap, 24lbs. | 57. |
| 67A | Ditto in Urya .. ... | | | | | |
| 67B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| 67C | Ditto in Hindi ... ... | | | | | |

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|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| 68 | Warrant of attachment and sale on forfeiture of bond for good behaviour. | 514, C. C. P. ... | Act X of 1882, Schedule V, No. LII. | One-fourth | White double foolscap, 24lbs. | 58 | |
| 68A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 68B | Ditto in Bengali ... ... | | | | | | |
| 68C | Ditto in Hindi ... ... | | | | | | |
| 69 | Warrant of imprisonment on forfeiture of bond for good behaviour. | Ditto ... ... | Ditto, No. LIII ... | Ditto | White double foolscap, 24lbs. | 59 | |
| 69A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| 69B | Ditto in Bengali ... ... | | | | | | |
| 69C | Ditto in Hindi ... ... | | | | | | |
| 70 | Warrant for production of a prisoner in a Criminal Court to answer a charge. | Act XV of 1869, section 3. | ..... | Ditto .. | ..... | 66. | |
| 70A | Ditto in Urya .. ... | | | | | | |
| 70B | Ditto in Bengali ... .. | | | | | | |
| 70C | Ditto in Hindi ... ... | | | | | | |
| 71 | Warrant for production of a prisoner in a Civil or Criminal Court to give evidence. | Act XV of 1869, sections 3 and 4. | ..... | Ditto ... | ..... | 67 | |
| 71A | Ditto in Urya ... ... | | | | | | |
| 71B | Ditto in Bengali ... ... | | | | | | |
| 71C | Ditto in Hindi ... ... | | | | | | |
| 72 | Warrant by Justice of the Peace to Keeper of the House of Correction, Calcutta. | ..... | ..... | Ditto ... | ..... | | |
| 72A | Ditto in Urya ... ... | | | | | | |
| 72B | Ditto in Bengali ... ... | | | | | | |
| 72C | Ditto in Hindi ... | | | | | | |
| 73 | Warrant for detention in a Reformatory | Act V of 1876, sections 8 and 9. | Circular Order No. 6 of 29th June 1878. | Ditto ... | ..... | 97 | |
| 73A | Ditto in Urya ... ... | | | | | | |
| 73B | Ditto in Bengali ... ... | | | | | | |
| 73C | Ditto in Hind ... ... | | | | | | |

## APPENDIX B.—*Miscellaneous Forms.*

| Number of the forms as entered in the indent. | DESCRIPTION OF FORM. | Section of Act or Rule of High Court to which the form applies. | Authority for the form. | PAPER ON WHICH PRINTED. | | Number of the form as entered in the previous indent. | REMARKS. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| | REGISTERS | | | | | | |
| | *Primary.* | | | | | | |
| M 1 | Register of complaints of offences... ... | Chapter V, Criminal Rules and Orders. | C. O. No. 8 of 16th December 1890. | Full ... | Machine-made blue-laid royal, 44lbs. | 99 | |
| M 1A | Ditto in Urya ... ... ... | | | | | | |
| M 1B | Ditto in Bengali ... ... ... | | | | | | |
| M 1C | Ditto in Hindi ... ... ... | | | | | | |
| M 2 | Magistrates' General Register of cases cognizable by the Police. | Ditto ... ... | Ditto ... ... | Do. ... | Ditto, ditto ... | 168 | |
| M 2A | Ditto in Urya ... ... ... | | | | | | |
| M 2B | Ditto in Bengali .. ... ... | | | | | | |
| M 2C | Ditto in Hindi ... ... ... | | | | | | |
| M 3 | Register of unimportant cases cognizable by the Police, in which the first information report is not used. | Ditto .. ... | Ditto ... ... .. | Do. . | Ditto, ditto ... | 69 | |
| M 3A | Ditto in Urya ... ... ... | | | | | | |
| M 3B | Ditto in Bengali .. ... ... | | | | | | |
| M 3C | Ditto . in Hindi ... ... ... | | | | | | |
| M 4 | Register of Miscellaneous Cases ... ... | Ditto ... .. | Ditto . ... ... | Do. ... | Ditto, ditto .. | 170 | |
| M 4A | Ditto in Urya ... ... ... | | | | | | |
| M 4B | Ditto in Bengali ... ... | | | | | | |
| M 4C | Ditto in Hindi ... ... ... | | | | | | |
| M 5 | Trial Register ... ... ... ... ... | Ditto ... ... | Ditto ... ... ... | Do. ... | Ditto, ditto | 171 | |
| M 5A | Ditto in Urya ... ... .. .. | | | | | | |
| M 5B | Ditto in Bengali ... ... ... | | | | | | |
| M 5C | Ditto in Hindi ... ... ... | | | | | | |
| M 6 | Register of Appeals ... ... ... ... | Ditto ... .. | Ditto ... ... .. | Do. .. | Ditto, ditto ... | 98 | |
| M 6A | Ditto in Urya ... ... ... | | | | | | |
| M 6B | Ditto in Bengali... ... ... | | | | | | |
| M 6C | Ditto in Hindi ... ... ... | | | | | | |

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|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| M 7 | Register of Revision Cases ... ... ... | Chapter V, Criminal Rules and Orders. | C. O. No. 8 of 16th December 1890. | Full ... | Machine-made blue-laid royal, 44lbs. | 172 | |
| M 7A | Ditto in Urya ... ... ... | | | | | | |
| M 7B | Ditto in Bengali ... ... ... | | | | | | |
| M 7C | Ditto in Hindi ... ... ... | | | | | | |
| M 8 | Register of Warrants of Imprisonment ... | Ditto ... ... | Ditto ... ... ... | Do. ... | Ditto, ditto ... | 109 | |
| M 8A | Ditto in Urya ... ... ... | | | | | | |
| M 8B | Ditto in Bengali ... ... ... | | | | | | |
| M 8C | Ditto in Hindi ... ... ... | | | | | | |
| M 9 | Register of Convicts ... ... ... ... | Ditto ... ... | Ditto ... ... ... | Do. ... | Hand-made royal, 44lbs. | 101 | |
| M 9A | Ditto in Urya ... ... ... | | | | | | |
| M 9B | Ditto in Bengali ... ... ... | | | | | | |
| M 9C | Ditto in Hindi ... ... ... | | | | | | |
| M 10 | Monthly certificate of having inspected the Register of Convicts. | Chapter V, Rule—6 (*h*) Criminal Rules and Orders. | C. O. No. 10 of 3rd September 1878. | One-eighth | White double foolscap, 24lbs. | 102 | |
| | *Subsidiary.* | | | | | | |
| M 11 | Register of Petitions ... ... ... ... | Chapter V, Criminal Rules and Orders. | C. O. No. 8 of 16th December 1890. | Half ... | Ditto, ditto ... | 173 | |
| M 11A | Ditto in Urya ... ... ... | | | | | | |
| M 11B | Ditto in Bengali ... ... ... | | | | | | |
| M 11C | Ditto in Hindi ... ... ... | | | | | | |
| M 12 | Register of Attendance of Witnesses ... | Ditto ... ... | Ditto ... ... ... | Full ... | White royal, 25lbs ... | 110 | |
| M 12A | Ditto in Urya ... ... ... | | | | | | |
| M 12B | Ditto in Bengali ... ... ... | | | | | | |
| M 12C | Ditto in Hindi ... ... ... | | | | | | |
| M 13 | Register of Processes ... ... ... | Ditto ... ... | Ditto ... ... ... | Do. ... | White medium, 20lbs. | 114 | |
| M 13A | Ditto in Urya ... ... ... | | | | | | |
| M 13B | Ditto in Bengali ... ... ... | | | | | | |
| M 13C | Ditto in Hindi ... ... ... | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M 14 | Register of Affidavits ... ... ... | Ditto ... ... | Ditto ... ... ... | Do. ... | Ditto. ... | 175 |
| M 14A | Ditto in Urya ... ... ... | | | | | |
| M 14B | Ditto in Bengali ... ... ... | | | | | |
| M 14C | Ditto in Hindi ... ... ... | | | | | |
| M 15 | Register of Applications for copies ... | Ditto ... ... | Ditto ... ... ... | One-eighth | White royal, 25lbs. ... | 76 |
| M 15A | Ditto in Urya ... ... ... | | | | | |
| M 15B | Ditto in Bengali ... ... ... | | | | | |
| M 15C | Ditto in Hindi ... ... ... | | | | | |
| M 16 | Register of Pleaders and Mukhtars ... | Ditto ... ... | Ditto ... ... ... | Full ... | Handmade foolscap, 15lbs. | 105 |
| M 16A | Ditto in Urya ... ... ... | | | | | |
| M 16B | Ditto in Bengali ... ... ... | | | | | |
| M 16C | Ditto in Hindi ... ... ... | | | | | |
| | *Statistical.* | | | | | |
| M 17 | Register showing under each head of crime the number of offences reported, of cases struck off as false, and of cases brought to trial. | Ditto ... ... | Ditto ... ... ... | Full ... | White royal, 25lbs. ... | 90 |
| M 17A | Ditto in Urya ... ... ... | | | | | |
| M 17B | Ditto in Bengali ... ... ... | | | | | |
| M 17C | Ditto in Hindi ... ... ... | | | | | |
| M 18 | Register showing under each head of crime the number of persons acquitted or discharged and convicted. | Ditto ... ... | Ditto ... ... ... | Do. ... | Ditto. ... | 89 |
| M 18A | Ditto in Urya ... ... ... | | | | | |
| M 18B | Ditto in Bengali ... ... ... | | | | | |
| M 18C | Ditto in Hindi ... ... ... | | | | | |
| M 19 | Register of cases decided ... ... ... | Ditto ... ... | Ditto ... ... ... | Do. ... | Ditto. ... | 88 |
| M 19A | Ditto in Urya ... ... ... | | | | | |
| M 19B | Ditto in Bengali ... ... ... | | | | | |
| M 19C | Ditto in Hindi ... ... ... | | | | | |
| M 20 | Register showing the particulars of whipping. | Ditto ... ... | Ditto ... ... ... | Do. ... | Ditto. ... | 176 |
| M 20A | Ditto in Urya ... ... ... | | | | | |
| M 20B | Ditto in Bengali ... ... ... | | | | | |
| M 20C | Ditto in Hindi ... ... ... | | | | | |
| M 21 | Register showing under each head of offence the general result of the trial of European British subjects. | Ditto ... ... | Ditto ... ... ... | Do. ... | Ditto. ... | 163 |

| Number of the form as entered in the indent | Description of Form. | Section of Act or Rule of High Court to which the form applies. | Authority for the form. | Paper on which printed. | | Number of the form as entered in the previous indent. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| | *Accounts.* | | | | | | |
| M 22 | Register of Fines ... ... ... . | Appendix to Chapter IV, Criminal Rules and Orders. | Orders of the Government of Bengal of March 1867 and May 1876. | Full | Machine-made blue-laid royal, 44lbs | 177 | |
| M 23 | Monthly Balance sheet of Fines | Ditto ... | Ditto | | | | |
| M 24 | Register of Warrants for the levy of Fines. | Ditto ... | Ditto ... | Full | Machine-made blue-laid royal, 44lbs. | 178<br>179 | |
| M 25 | Detailed Daily Register of Court-fees realized | Chapter V, Criminal Rules and Orders. | C. O. No. 8 of 16th December 1890. | Do. .. | White royal, 25lbs. | 164 | |
| M 26 | Abstract Daily Register of Court-fees realized. | Ditto ... | Orders of the Government of India. | Do. ... | Ditto. | 103 | |
| M 27 | Register of Chalans ... ... . | Chapter V, Criminal Rules and Orders, and Account Rules, Judicial C. O., Chapter IV. | C. O No. 8 of 16th December 1890. | Do. .. | Machine-made blue-laid royal, 44lbs. | 180 | |
| M 28 | Register of Chalans for petty receipts | Ditto ... | Ditto ... | Do. .. | Ditto, ditto. | 181 | |
| M 29 | Register of payment orders | Ditto . | Ditto | Do. .. | Ditto, ditto | 182 | |
| M 30 | Register of A Deposits received .. | Ditto | Ditto | Do | Ditto, ditto. | 183 | |
| M 31 | Register of B Deposits received .. | Ditto | Ditto | Do. | Ditto, ditto. | 184 | |
| M 32 | Register of A Deposits repaid .. .. | Ditto . . | Ditto .. | Do. | Ditto, ditto | 185 | |
| M 33 | Register of B Deposits repaid | Ditto .. | Ditto | Do. .. | Ditto, ditto. | 186 | |
| M 34 | Register of account particulars of A Deposits. | Ditto .. | Ditto .. | | .. | 187 | |
| M 35 | Register of Stamp duties and penalties paid. | Ditto .. | Ditto | Full | Hand-made blue-laid royal, 44lbs. | 188 | |
| M 36 | Register of refunds of value of Court-fees. | Ditto | Ditto | Do. ... | Ditto, ditto. | 189 | |
| M 37 | Register of Miscellaneous Receipts .. | Ditto .. | Ditto ... | Do. | Machine-made blue-laid royal, 44lbs. | 190 | |
| M 38 | Treasury Pass Book ... . | Ditto . | Ditto .. | Do. ... | Ditto, ditto. | 191 | |
| M 39 | Peremptory Cash Book ... .. | Ditto | Ditto .. | Do. | Ditto, ditto | 192 | |
| M 40 | General Cash Book .. ... | Ditto | Ditto .. | Do. | Ditto, ditto. | 193 | |
| M 41 | Register of Counterfoils of receipts granted. | Ditto | Ditto | Do. | Ditto, ditto. | 194 | |
| M 42 | Register of contract contingent charges | Chapter V, Criminal Rules and Orders. | Orders of the Government of Bengal. | .. | .. ... | 198 | |
| M 43 | Register of contingent charges . ... | Ditto | .. | .. | ... | 199 | |

| | PERIODICAL STATEMENTS. | | | | | |
|---|---|---|---|---|---|---|
| M 44 | Monthly Statement B. State of files in the Courts of Magistrates (large form). | Chapter V Rule — Criminal Rules and Orders. | C. O. No. 5 of 14th October 1879. | Full ... | White demy, 18lbs ... | 120 |
| M 45 | Ditto (small form) ... ... | Ditto ... ... | Ditto ... ... | Half ... | Ditto .. | 121 |
| M 46 | Monthly and Quarterly Statement A, showing the number of persons tried, convicted, and acquitted, and of cases brought to trial, disposed of, and pending. | Ditto ... ... | Ditto ... ... | One-fourth | White double foolscap, 24lbs. | 122 |
| M 46A | Ditto in Urya ... ... | | | | | |
| M 46B | Ditto in Bengali ... ... | | | | | |
| M 46C | Ditto in Hindi ... ... | | | | | |
| M 47 | Quarterly Statement A of persons tried, convicted, and acquitted, and of cases brought to trial, disposed of, and pending in the Courts of Magistrates (Parts I, II, and III). | Ditto ... ... | Ditto ... ... | Half ... | White royal, 25lbs | 127 |
| M 47A | Ditto in Urya ... ... | | | | | |
| M 47B | Ditto in Bengali ... ... | | | | | |
| M 47C | Ditto in Hindi ... ... | | | | | |
| M 48 | Quarterly Statement B of cases and persons before, and the results of trials in, the Courts of Session (Parts I and II). | Ditto ... ... | Ditto ... ... | Do. ... | Machine-made medium | 128 |
| M 48A | Ditto in Urya ... ... | | | | | |
| M 48B | Ditto in Bengali ... ... | | | | Half-bleached royal, 25lbs. | |
| M 48C | Ditto in Hindi ... ... | | | | | |
| M 49 | Annual Statement 1, showing area and population of district, the number of officers employed, and the receipts and charges of Courts. | Ditto ... ... | Ditto ... ... | Do. .. | Machine-made royal, 44lbs. | 129 |
| M 49B | Ditto in Bengali ... ... | | | | | |
| M 49C | Ditto in Hindi ... ... | | | | White royal, 25lbs .. | |

| Number of the form as entered in the indent. | Description of Form. | Section of Act Rule of High Court to which the form applies. | Authority for the form. | Paper on which printed. | | Number of the form as entered in the previous indent. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| | PERIODICAL STATEMENTS—*continued.* | | | | | | |
| M 50 | Annual Statement 2 of offences reported and of persons tried, convicted, and acquitted of each offence (large form). | Chapter V, Rule —, Criminal Rules and Orders. | C. O. No. 5 of 14th October 1879. | One and-a-half sheet. | Machine-made medium, 25lbs. | 130 | |
| M 51 | Ditto ditto (small form) .. | | | Three-fourth. | Ditto, ditto | 131 | |
| M 51A | Ditto in Urya ... ... | | | Ditto .. | Half-bleached royal, 25lbs. | | |
| M 51B | Ditto in Bengali . .. | | | | | | |
| M 51C | Ditto in Hindi ... | | | One and-a-half sheet | Ditto, ditto | | |
| M 52 | Annual Statement 3 of miscellaneous proceedings under the Criminal Procedure Code. | Ditto . ... | Ditto ... ... | Half .. | Machine-made medium, 25lbs. | 132 | |
| M 52A | Ditto in Urya ... ... | | | | Half-bleached royal, 25lbs. | | |
| H 52B | Ditto in Bengali ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| M 52C | Ditto in Hindi .. .. | | | | | | |
| M 53 | Annual Statement 4, showing general results of trials. | Ditto ... ... | Ditto ... ... | Do. | Machine-made medium, 24lbs. | 133 | |
| M 53A | Ditto in Urya ... ... | | | | Half-bleached royal, 25lbs. | | |
| M 53B | Ditto in Bengali .. | | | | Half-bleached double foolscap, 24lbs. | | |
| M 53C | Ditto in Hindi | | | | | | |
| M 54 | Annual Statement 5, showing the punishments inflicted by criminal tribunals. | Ditto ... | Ditto ... | Do. | Machine-made royal, 24lbs. | | |
| M 54A | Ditto in Urya ... .. | | | | Half-bleached royal, 25lbs. | 134 | |
| M 54B | Ditto in Bengali ... .. | | | | | | |
| M 54C | Ditto in Hindi ... ... | | | | | | |
| M 55 | Annual Statement 5A, showing the particulars of whipping inflicted by the criminal tribunals. | Ditto ... ... | Ditto ... ... | Full .. | Machine-made royal, 25lbs. | 135 | |
| M 55A | Ditto in Urya ... ... | | | | Half-bleached royal, 25lbs. | | |
| M 55B | Ditto in Bengali .. | | | | | | |
| M 55C | Ditto in Hindi ... ... | | | | | | |

And at page xviii, in the fourth column, against "M 50", after the word "C. O. No. 5 of 14th October, 1879" *insert*—as amended by C. O. No. 4 of 12th August, 1895.

In the same Appendix, at pages xix and xx, cancel the word "Comparative" in the second column against forms Nos. 59, 60, 61, 62, 65, 66, 68, and 70, and in the fourth column *insert* against those forms after the word "Ditto" the words and figures—amended by C. O No. 8 of 1902.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| M 56 | Annual Statement 6, showing the result of appeal, reference and revision in criminal cases. | Ditto ... ... | Ditto ... ... | Half ... | Machine-made medium, 25lbs. | 136 |
| M 56A | Ditto in Urya ... ... | | | | | |
| M 56B | Ditto in Bengali ... ... | | | | Half-bleached royal, 25lbs. | |
| M 56C | Ditto in Hindi ... ... | | | | | |
| M 57 | Annual Statement 7, showing use of Juries and Assessors in Civil and Criminal Courts. | Ditto ... ... | Ditto ... ... | Do. ... | Machine-made medium, 25lbs. | 137 |
| M 57B | Ditto in Bengali ... ... | | | | Half-bleached royal, 25lbs. | |
| M 57C | Ditto in Hindi ... ... | | | | | |
| M 58 | Annual Statement 8, showing the general result of the trial of European British subjects. | Ditto ... ... | Rule No. 11, dated 21st July 1884, and letter No. 1721, dated 20th September 1884, to Superintendent of Stationery. | Do. ... | White demy, 18lbs. ... | 162 |
| M 59 | Comparative Table I, showing number of offences reported, complaints dismissed, of cases struck off as false, and of cases returned as true. | Ditto ... ... | C. O. No. 5 of 14th October 1879. | One-fourth | White double foolscap, 24lbs. | 138 |
| M 60 | Comparative Table II, showing number of cases brought to trial and the number of persons acquitted and discharged and convicted, and the percentage convicted. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 139 |
| M 61 | Comparative Table III, showing number of cases brought to trial, disposed of, and pending. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 140 |
| M 62 | Table IV, showing the total number of persons under trial in Magistrates' and Sessions Courts and the result of trial. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 141 |
| M 63 | Comparative Table V, showing number of witnesses examined and discharged without examination and the amount paid for expenses. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 142 |
| M 64 | Table VI, showing the detention of witnesses. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 143 |
| M 65 | Comparative Table VII, showing amount of fines imposed and realized and amount paid by way of compensation. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto .. | 144 |
| M 66 | Comparative Table VIII, showing number of appeals (cases) preferred, disposed of, and pending. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 145 |

| Number of the forms as entered in the indent. | Description of Form. | Section of Act or Rule of High Court to which the form applies. | Authority for the form. | Paper on which printed. | | Number of the form as entered in the previous indent. | Remarks. |
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| | | | | Size. | Description. | | |
| | Periodical Statements—*concluded.* | | | | | | |
| M 67 | Table IX, showing result of appeals as affecting persons. | Chapter V, Rule —, Criminal Rules and Orders. | C. O. No. 5 of 14th October 1879. | One-fourth | White double foolscap, 24lbs. | 146 | |
| M 68 | Comparative Table X, showing number of applications (cases) for revision preferred, disposed of, and pending. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 147 | |
| M 69 | Table XI, showing result of applications for revision as affecting persons. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 148 | |
| M 70 | Comparative Table XII, showing the receipts and charges of Criminal Courts and financial receipts. | Ditto ... ... | Ditto ... ... | Ditto ... | Ditto, ditto ... | 149 | |
| | Account Forms. | | | | | | |
| M 71 | Form of chalan ... ... ... ... | Account Rules, Judicial Rules and Orders, Chapter IV. | C. O. No. 4 of 5th March 1881. | ..... | ... | | |
| M 72 | Payment order for Judicial deposits ... | Ditto ... .... | Ditto ... ... ... | ..... | ... .. | | |
| M 73 | Letter to Accountant-General, Bengal, requesting authority for the payment of lapsed deposits. | Ditto ... ... | Ditto ... ... ... | ..... | .. | | |
| M 74 | Refund of fines or Miscellaneous receipts. | Ditto ... .. | Ditto ... ... . | ..... | .. .. | | |
| M 75 | Certificate for the refund of Stamp fees. | Ditto ... ... | Ditto ... ... ... | ..... | ... .. | | |
| M 76 | Order for the refund of the value of Court-fee stamps. | Ditto ... ... | Ditto ... ... ... | ..... | ..... | | |
| M 77 | Daily Treasury advice list ... ... | Ditto ... ... | Ditto ... ... ... | ..... | ..... | | |
| M 78 | Extract register of receipts of deposits | Ditto ... ... | Ditto ... ... ... | ..... | ..... | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| M 79 | List of A deposits to be transferred to the credit of Government. | Ditto ... ... | Ditto ... ... ... | ..... | ..... | |
| M 80 | Form of advice list ... ... | Ditto ... ... | Rule No. 3 of 23rd February 1886. | ..... | ..... | |
| | GENERAL. | | | | | |
| M 81 | List of Records sent to the District Magistrate's Record-room. | Chapter V, Rule —, Criminal Rules and Orders. | C. O. No. 6 of 10th November 1890. | ..... | ..... | 197 |
| M 82 | Form of complaint ... ... | 200, C. C. P. | 200, C. C. P. ... ... | One-fourth | Half-bleached double foolscap, 24lbs. | 60 |
| M 82A | Ditto in Urya ... ... | | | | | |
| M 82B | Ditto in Bengali ... ... | | | | | |
| M 82C | Ditto in Hindi ... ... | | | | | |
| M 83 | Form of Deposition ... ... | Chapter XXV, C. C. P. | C. O. No. 2 of 25th February 1889. | Ditto ... | White double foolscap, 24lbs. | 61 |
| M 83A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| M 83B | Ditto in Bengali ... ... | | | | | |
| M 83C | Ditto in Hindi ... ... | | | | | |
| M 84 | Form for recording confessions ... ... | 164, C. C. P. ... ... | C. O. No. 3 of 24th March 1880. | Ditto ... | Ditto, ditto ... | 91 |
| M 84A | Ditto in Urya ... ... | | | | | |
| M 84B | Ditto in Bengali ... ... | | | | | |
| M 84C | Ditto in Hindi ... ... | | | | | |
| M 85 | Form for recording examination of accused. | 364, C. C. P. ... ... | Ditto ditto | Ditto ... | White double foolscap, 24lbs. | 94 |
| M 85A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | |
| M 85B | Ditto in Bengali ... ... | | | | | |
| M 85C | Ditto in Hindi ... ... | | | | | |
| M 86 | Form of Order sheet ... ... | Rule —, Chapter —, Criminal Rules and Orders. | C. O. No. 1 of 11th July 1890. | Ditto ... | White double foolscap, 28lbs. | 166 |
| M 87 | Form of Title page ... ... | Rule —, Chapter —, Criminal Rules and Orders. | C. O. No. 6 of 10th November 1890. | ..... | ..... | 195 |
| M 87A | Ditto in Urya ... ... | | | | | |
| M 87B | Ditto in Bengali ... ... | | | | | |
| M 87C | Ditto in Hindi ... ... | | | | | |
| M 88 | Form of Table of Contents ... ... | Rule —, Chapter —, Criminal Rules and Orders. | Ditto ditto ... | One-fourth | Half-bleached double foolscap, 30lbs. | 119 |
| M 88A | Ditto in Urya ... ... | | | | | |
| M 88B | Ditto in Bengali ... ... | | | | | |
| M 88C | Ditto in Hindi ... ... | | | | | |

| Number of the form as entered in the indent. | Description of Form. | Section of Act or Rule of High Court to which the form applies. | Authority for the form. | Paper on which printed. | | Number of the form as entered in the previous indent. | Remarks. |
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| | | | | Size. | Description. | | |
| | General—*continued.* | | | | | | |
| M 89 | List of Exhibits ... ... | Rule —, Chapter —, Criminal Rules and Order. | C. O. No. 6 of 10th November 1890. | ..... | ..... | 196 | |
| M 89A | Ditto in Urya ... ... | | | | | | |
| M 89B | Ditto in Bengali ... ... | | | | | | |
| M 89C | Ditto in Hindi ... ... | | | | | | |
| M 90 | Form of Notice to take back Documents. | Rule —, Chapter —, Criminal Rules and Orders. | Ditto ditto ... | Full ... | White double foolscap, 24lbs. | 165 | |
| M 90A | Ditto in Urya ... ... | | | | Half-bleached double foolscap, 24lbs. | | |
| M 90B | Ditto in Bengali ... ... | | | | | | |
| M 90C | Ditto in Hindi ... ... | | | | | | |
| M 91 | Form of letter to Civil Surgeon to be sent with dead bodies or wounded persons. | 174, C. C. P. | C. O. No. 10 of 13th April 1857. | One-fourth | White double foolscap, 24lbs | 92 | |
| M 92 | Letter to Civil Surgeon to hold *post-mortem* examination. | 174, C. C. P. | ..... | One-eighth | Half-bleached double foolscap, 24lbs. | 73 | |
| M 93 | Letter to Civil Surgeon to examine if person fit to receive stripes. | Chapter —, Rule —, clause J, Criminal Rules and Orders. | ..... | Ditto ... | Ditto, ditto ... | 74 | |
| M 94 | Letter to Civil Surgeon to examine person said to be insane. | 464, C. C. P. | ..... | Ditto ... | Ditto, ditto .. | 75 | |
| M 95 | Application for information ... ... | Chapter III, Criminal Rules and Orders. | C. O. No. 12 of 25th November 1882. | One-fourth | Ditto, ditto ... | 117 | |
| M 95A | Ditto in Urya ... ... | | | | | | |
| M 95B | Ditto in Bengali ... ... | | | | | | |
| M 95C | Ditto in Hindi ... ... | | | | | | |
| M 96 | Application for copies ... ... | Ditto ... | C. O. No. 2 of 2nd February 1885. | Ditto ... | Ditto, ditto. ... | 118 | |
| M 96A | Ditto in Urya ... ... | | | | | | |
| M 96B | Ditto in Bengali ... ... | | | | | | |
| M 96C | Ditto in Hindi ... ... | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M 97A<br>M 97B<br>M 97C | Court Inspector's daily book of prisoners to be produced before the Magistrates in English-Urya.<br>Ditto in English-Bengali ...<br>Ditto in English-Hindi | ..... | ..... | One-sixth | White double foolscap, 24lbs. | 82 |
| M 98 | Return of processes issued and fees levied in the Magistrate's Court. | ..... | ..... | One-fourth | Ditto, ditto ... | 83 |
| M 99 | Monthly statement giving names and particulars of persons convicted or discharged on summary trial. | ..... | ..... | Half ... | Ditto, ditto ... | 84 |
| M 100 | Letter to committing Magistrate intimating the dates on which witnesses should be sent to the Sessions Court. | Chap. XXIII, C. C. P. | ..... | One-eighth | Ditto, ditto ... | 77 |
| M 101 | Letter to Civil Surgeon requesting him to attend to give evidence in the Sessions Court. | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 76 |
| M 102 | Vernacular rubakari for sending records to the Sessions Court. | | | One-fourth | Ditto, ditto ... | 71 |
| M 102A<br>M 102B<br>M 102C | Ditto in Urya ...<br>Ditto in Bengali ...<br>Ditto in Hindi ... | Ditto ... ... | ..... | | | |
| M 103 | Heading of Sessions Record ... ... | Ditto ... ... | ..... | One-eighth<br>Half ... | Half-bleached double foolscap, 24lbs.<br>White double foolscap, 24lbs. | 64 |
| M 104 | Letter from committing Magistrate to Sessions Judge reporting commitment. | Chap. XVIII, C. C. P. | C. O. No. 5 of 14th October 1879. | Full ... | Ditto, ditto ... | 111 |
| M 105<br>M 106 | Form of District Magistrate's calendar<br>Ditto ditto ... ... | Chap. XXIII, C.C.P. | Ditto ... ... | Full ...<br>Half ... | White royal, 25lbs ...<br>Ditto. | 123<br>124 |
| M 107<br>M 108 | Form of Sessions Judge's calendar ..<br>Ditto ditto ... ... | Ditto ... ... | Ditto ... ... | Full<br>Half | Machine-made medium, 25lbs.<br>Ditto, ditto | 125<br>126 |
| M 109<br>M 109B<br>M 109C | Heading of petition of Appeal ...<br>Ditto in Bengali ...<br>Ditto in Hindi ... | Chap. XXXI. C.C.P. | ..... | One-fourth | White double foolscap, 24lbs.<br>Half-bleached double foolscap, 24lbs. | 81<br>72 |
| M 110 | Heading of judgment of Appellate Court. | Ditto ... ... | ..... | Ditto ... | Cream-wove double foolscap, 24lbs. | |

| Number of the form as entered in the indent. | DESCRIPTION OF FORM. | Section of Act or Rule of High Court to which the form applies. | Authority for the form. | PAPER ON WHICH PRINTED. | | Number of the form as entered in the previous indent. | REMARKS. |
|---|---|---|---|---|---|---|---|
| | | | | Size. | Description. | | |
| | GENERAL—*concluded.* | | | | | | |
| M 111 | List of Criminal Appeals decided to be sent to Superintendent of Jail for communi ation of result of appeals to prisoners. | Rule —, Chap. I, Criminal Rules and Orders. | Rule 2 of 19th September 1888. | Full ... | Half-blesched double foolscap, 24lbs. | 113 | |
| M 112<br>M 112B<br>M 112C | Letter calling for records under section 421 or 423, C. C. P.<br>Ditto in Bengali ... ...<br>Ditto in Hindi ... ... | Sections 421 and 423, C. C. P. | Rule No. 6 of 5th August 1885. | Do. ... | Double foolscap, 24lbs.<br>Half-bleached double foolscap, 24lbs. | 164 | |
| M 113 | Form of notice of hearing under section 422, C. C. P. | Section 422, C. C. P. | ... .. | One-fourth | White double foolscap, 24lbs. | 78 | |
| M 114<br>M 114A<br>M 114B<br>M 114C | Letter from District Magistrate to subdivisional Magistrate inquiring whether the Public Prosecutor should appear to support decision before the Appellate Court.<br>Ditto in Urya<br>Ditto in Bengali ... ...<br>Ditto in Hindi ... ... | Chap. XXXI, C. C. P. | ..... | Ditto ... | Ditto, ditto ... | 160 | |
| M 115 | Letter to Public Prosecutor instructing him to appear. | Ditto ... | ..... | Ditto ... | Ditto, ditto ... | 161 | |
| M 116 | Letter from Superintendent of Jail forwarding petition of appeal to the High Court. | Ditto ... | ..... | Ditto ... | Ditto, ditto ... | 89 | |
| M 117 | Letter from Superintendent of Jail to Sessions Judge informing him that an appeal against his decision has been preferred to the High Court. | Ditto ... | ..... | Full ... | Ditto, ditto ... | 112 | |

| | | | | | | |
|---|---|---|---|---|---|---|
| M 118 | Letter from the Sessions Judge transmitting the record in the case of prisoners who have appealed to the High Court. | Ditto ... ... | ..... | One-eighth | Ditto, ditto ... | 79 |
| M 19 | Envelopes franked by Magistrates, Deputy Commissioners and Judges to the address of the Registrar, High Court. | For general office use | ..... | One-fourth (10″ × 4½″). | B. brown glazed cartridge super royal, 30lbs. | 151 |
| M 120 | Envelopes franked by Magistrates and Deputy Commissioners to the address of the Sessions Judge of— | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 152 |
| M 121 | Envelopes franked by Magistrates and Deputy Commissioners to the address of the Magistrate of— | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 153 |
| M 122 | Envelopes franked by Magistrates and Deputy Commissioners to the address of the District Superintendent of Police. | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 154 |
| M 123 | Envelopes franked by Magistrates and Deputy Commissioners to the address of the— | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 155 |
| M 124 | Envelopes to the address of the Commissioner of— | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 156 |
| M 125 | Envelopes to the address of the Officer in charge of the Jail of— | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 157 |
| M 126 | Envelopes to the address of the Civil Surgeon. | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 158 |
| M 127 | Envelopes to the address of the Superintendent of the Jail of— | Ditto ... ... | ..... | Ditto ... | Ditto, ditto ... | 159 |
| M 128 | Docket form of letters received ... ... | Ditto ... ... | ..... | One-fourth | Half-bleached double foolscap, 30lbs. | 85 |
| M 129 | Docket form of letters issued ... ... | Ditto ... .. | ..... | Ditto ... | Ditto, ditto ... | 86 |
| M 130 | Docket form advising receipt and despatch of indent for forms. | Ditto ... .. | ..... | Two and one-fourth sheets | Half-bleached double foolscap, 24lbs. | 150 |

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 2 (*No. II, Schedule V, Act X*, 1882).

### Warrant of Arrest.

(SECTION 75 OF THE CODE OF CRIMINAL PROCEDURE.)

To

[1] Name and designation of the person or persons who is or are to execute the warrant.

WHEREAS

of

stands charged with the offence of [2]

[2] State the offence.

you are hereby directed to arrest the said

and produce him before me. Herein fail not.

*Dated this* *day of* 18

*Magistrate.*

(*See section* 76.)

If the said shall give bail, himself in the sum of with suret in the sum of to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

*Dated this* *day of* 18

*Magistrate.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 3 (*No. III, Schedule V, Act X*, 1882.)

### Bond and Bail-bond after Arrest under a Warrant.

(SECTION 86 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Name.

I,[1] of being brought before the[2] under a warrant issued to compel my appearance to answer to the charge of[3] do hereby bind myself to attend in the Court of on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and in case of my making default therein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

[2] District Magistrate of *or* as the case may be

[3] State the offence.

*Dated this day of* 18

I do hereby declare myself surety for the above-named of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

*Dated this day of* 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 4 (*No. IV, Schedule V, Act X*, 1882).

### Proclamation requiring the Appearance of a Person accused.

(SECTION 87 OF THE CODE OF CRIMINAL PROCEDURE.)

WHEREAS complaint has been made before me that [1]

[2]

the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said [3] cannot be found; and whereas it has been shown to my satisfaction that the said [3] [4]

[1] Name, description, and address.

[2] Has committed *or* is suspected to have committed.

[3] Name.

[4] Has absconded *or* is concealing himself to avoid the service of the said warrant.

Proclamation is hereby made that the said of is required to appear at [5] before [6] to answer the said complaint within days from this date.

[5] Place.

[6] This Court *or* before me.

*Dated this day of* 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 5 (*No. V, Schedule V, Act* X, 1882

### Proclamation requiring the Attendance of a Witness.

(SECTION 87 OF THE CODE OF CRIMINAL PROCEDURE)

[1] Name, description, and address

WHEREAS complain has been made before me that [1]

[2] Has committed *or* is suspected to have committed

[2]

[3] Mention the offence concisely

the offence of [3]

and a warrant has been issued to compel the attendance of [4]

[4] Name, description, and address of the witness

before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said [5] cannot be served, and it has been shown to my satisfaction that he [6]

[5] Name of witness.

[6] Has absconded *or* is concealing himself to avoid the service of the said warrant.

[7] Name.

Proclamation is hereby made that the said [7]

[8] Place.

is required to appear at [8] before the Court of on the day of next at o'clock to be examined touching the offence complained of.

*Dated this day of* 18

Appendix A (Forms for Processes or Proceedings.)

*High Court, Criminal No.* 6 (*No. VI, Schedule V, Act X,* 1882).

## Order of Attachment to compel the Attendance of a Witness.

(SECTION 88 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE POLICE-OFFICER IN CHARGE OF THE POLICE STATION AT

WHEREAS a warrant has been duly issued to compel the attendance of [1]

[1] Name, description, and address.

to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he [2]

[2] Has absconded or is concealing himself to avoid the service of the said warrant.

and thereupon a Proclamation was duly issued and published requiring the said
to appear and give evidence at the time and place mentioned therein, and he has failed to appear.

This is to authorise and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the district of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

*Dated this day of* 18

## Appendix A (Forms for Processes or Proceedings.)

*High Court, Criminal No. 7 (No. VI, Schedule V, Act X, 1882).*

### Order of Attachment to compel the Appearance of a Person accused.

(SECTION 88 OF THE CODE OF CRIMINAL PROCEDURE)

To [1]

WHEREAS complaint has been made before me that [2]

the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said [4] cannot be found; and whereas it has been shown to my satisfaction that the said [5] and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the [6] of in the district of viz.,

and an order has been made for the attachment thereof.

You are hereby required to attach the said property by seizure and to hold the same under attachment pending further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

*Dated this day of* 18

[1] Name and designation of the person or persons who is or are to execute the warrant

[2] Name, description, and address.

[3] Has committed *or* is suspected to have committed.

[4] Name.

[5] Has absconded *or* is concealing himself to avoid the service of the said warrant

[6] Village town.

Appendix A (Forms for Processes or Proceedings.)

*High Court, Criminal No.* 8 (*No. VI, Schedule V, Act X,* 1882).

## Order authorising an Attachment by the Deputy Commissioner as Collector.

(SECTION 88 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE DEPUTY COMMISSIONER OF THE DISTRICT OF

WHEREAS complaint has been made before me that [1] [2] the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said [3] cannot be found; and whereas it has been shown to my satisfaction that the said [3] [4] and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the [5] of in the district of

[1] Name, description, and address.
[2] Has committed *or* is suspected to have committed.
[3] Name.
[4] Has absconded *or* is concealing himself to avoid the service of the said warrant.
[5] Village *or* town.

You are hereby authorised and requested to cause the said land to be attached and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

*Dated this day of* 18

## Appendix A (Forms for Processes or Proceedings)

*High Court, Criminal No.* 9 (*No. VII, Schedule V, Act X*, 1882).

### Warrant in the first instance to bring up a Witness.

(SECTION 90 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name and designation of the Police officer or other person or persons who is or are to execute the warrant.

WHEREAS complaint has been made before me that

of [2]

[2] Has *or* is suspected to have.

committed the offence of [3]

[3] Mention the offence concisely.

and it appears likely that [4]

[4] Name and description of witness.

can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so.

Name.

This is to authorise and require you to arrest the said [5]

and on the

day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings.)

*High Court, Criminal No.* 10 (*No VIII, Schedule V, Act X*, 1882).

### Warrant to Search after Information of a Particular Offence.

(SECTION 96 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name and designation of the Police officer or other person or persons who is or are to execute the warrant.

WHEREAS [2]

[2] Information has been laid or complaint has been made.

before me of the [3]

[3] Commission or suspected commission.

of the offence of [4]

[4] Mention the offence concisely.

and it has been made to appear to me that the production of [5]

[5] Specify the thing clearly.

is essential to the enquiry [6]

[6] Now being made or about to be made.

into the said [7]

[7] Offence or suspected offence.

This is to authorise and require you to search for the said [8]

[8] The thing specified.

in the [9]

[9] Describe the house or place, or part thereof, to which the search is to be confined

and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 11 (*No. IX, Schedule V, Act X*, 1882).

### Warrant to Search Suspected Place of Deposit.

(SECTION 98 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name and designation of a Police officer above the rank of a constable.

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the [2] is used as a place for the [3]

[2] Describe the house *or* other place.

[3] Deposit *or* sale of stolen property, *or*, if for either of the other purposes expressed in the section, state the purpose in the words of the section.

This is to authorise and require you to enter the said [4] with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search [5]

[4] House *or* other place.

[5] Every part of the said house *or* other place, *or* if the search is to be confined to a part, specify the part clearly.

and to seize and take possession of any [6]

[6] Property *or* documents *or* stamps, *or* seals, *or* coins, as the case may be Add (when the case requires it) "and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents *or* counterfeit stamps, *or* false seals, *or* counterfeit coin," as the case may be.

and forthwith to bring before this Court such of the said things as may be taken possession of; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No* 12 (*No. X, Schedule V, Act X,* 1882.)

### Bond to keep the Peace.

(SECTION 106 OF THE CRIMINAL PROCEDURE CODE.)

WHEREAS I, [1] [1] Name.

inhabitant of [2] [2] Place.

have been called upon to enter into a bond to keep the peace for the term of

I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

*Dated this* *day of* 18

---

[3] do hereby declare [4] suret for the above-named [3] I *or* we. [4] Myself *or* ourselves.

that he shall not commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and in case of his making default therein, [3] bind [5] to forfeit to Her Majesty the sum of rupees [5] Myself *or* ourselves, jointly and severally.

*Dated this* *day of* 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 13 (*No. XI, Schedule V, Act X*, 1882.)

### Bond for Good Behaviour.

(SECTIONS 109 AND 110 OF THE CRIMINAL PROCEDURE CODE.)

[1] Name.

WHEREAS I, [1]

[2] Place.

inhabitant of [2]

have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of [3]

[3] State the period.

I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees

*Dated this* *day of* 18

---

[4] I *or* we.
[5] Myself *or* ourselves.

[4] do hereby declare [5] suret for the above-named

that he shall be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and in case of his making default therein, [4] bind [5] to forfeit to Her Majesty the sum of rupees

*Dated this* *day of* 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 14 (*No. XII, Schedule V, Act X,* 1882).

### Summons on Information of a probable Breach of the Peace.

(SECTION 114 OF THE CODE OF CRIMINAL PROCEDURE.)

To

of

WHEREAS it has been made to appear to me by credible information that [1]

, you are hereby required to attend [3] at the office of the Magistrate of on the day of 18 at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [4]

that you will keep the peace for the term of

Given under my hand and the seal of the Court, this

day of 18

[2] [1] State the substance of the information.

[2] And that you are likely to commit a breach of the peace *or* by which act a breach of the peace will probably be occasioned.

[3] In person *or* by a duly authorised agent.

[4] *When sureties are required,* and also to give security by the bond of one *or* two, *as the case may be,* Surety *or* sureties in the sum of rupees each (*if more than one*).

## Appendix A (Forms for Processes or Proceedings.)

*High Court, Criminal No.* 15 (*Rule No.* 4, *dated the* 3*rd September* 1890).

### Summons on information of a person being a vagrant or a suspected person or an habitual offender.

(SECTION 114 OF THE CODE OF CRIMINAL PROCEDURE)

To

of

WHEREAS it has been made to appear to me by credible information that [1]

[1] State the substance of the information.

and that you are lurking within the district of and [2]

[2] Have no ostensible means of subsistence, or are unable to give a satisfactory account of yourself, or are an habitual robber or house breaker, &c. (*as the case may be*).

you are hereby required to attend in person at the office of the Magistrate of on the day of 18 , at 10 o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [3]

[3] (*When sureties are required*) and also to give security by the bond of one or two (*as the case may be*) surety *or* sureties in the sum of rupees ..... each (*if more than one*).

that you will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of

Given under my hand and the seal of the Court, this day of 18 .

*Magistrate.*

## Appendix A (Forms for Processes or Proceedings)

*High Court, Criminal No.* 16 (*No. XIII, Schedule V, Act X,* 1882.)

### Warrant of Commitment on Failure to find Security to keep the Peace.

(SECTION 123 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS [2] appeared [2] Name and address.

before me [3] on [3] In person *or* by his authorised agent.

the day of in obedience

to summons calling upon him to show cause why he should not enter into [4] , that he the said [5]

would keep the peace for the period of months; and whereas an order was then made requiring the said [5]

to enter into and find such security [6]

and he has failed to comply with the said order.

[4] A bond for rupees with one surety *or* a bond with two sureties, each in rupees

[5] Name.

[6] State the security ordered when it differs from that mentioned in the summons.

This is to authorise and require you the said [7] [7] Superintendent *or* keeper

to receive the said [5] into your custody,

together with this warrant and him safely to keep in the said

*(See Chapter I, Rule 7, supra.)*

**Appendix A (Forms for Processes or Proceedings).**

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[8] Term of imprisonment.

[9] Surety or sureties.

jail for the said period of [8] unless he shall in the meantime comply with the said order by himself and his [9] entering into the said bond, in which case the same shall be received, and the said [5] released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 17 (*No. XIV, Schedule V, Act X,* 1882.)

# Warrant of Commitment on Failure to find Security for Good Behaviour.

(SECTION 123 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS [2]

[2] It has been made to appear to me that (*name and description*) has been and is lurking within the district of having no ostensible means of subsistence, *or* that he is unable to give any satisfactory account of himself; *or* whereas evidence of the general character of (*name and description*) has been adduced before me and recorded, from which it appears that he is an habitual robber *or* house-breaker, &c., (*as the case may be.*)

And whereas an order has been recorded stating the same

(*See Chapter I, Rule* 7, *supra.*)

## Appendix A (Forms for Processes or Proceedings).

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and requiring the said [3]

[3] Name.

furnish security for his good behaviour for the term of [4]

[4] State the period.

by entering into a bond with [5]

[5] One surety or two or more sureties as the case may be.

himself for rupees and [6]

for rupees and the said [3]

[6] The said surety or each of the said sureties.

has failed to comply with the said order, and for such default has been adjudged imprisonment for [7] unless the said security be sooner furnished.

[7] State the term.

This is to authorise and require you the said [8]

to receive the said [3] into your custody, together with this warrant, and him safely to keep in the said jail for the said period of [9]

[8] Superintendent or keeper.

[9] Term of imprisonment.

unless he shall in the meantime comply with the said order by himself and his [10] entering into the said bond, in which case the same shall be received, and the said [3] released; and to return this warrant with an endorsement certifying the manner of its execution.

[10] Surety or sureties.

Given under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 18 (*No. XV, Schedule V, Act X,* 1882).

### Warrant to Discharge a person imprisoned on Failure to give Security.

(SECTIONS 123 AND 124 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

[1] Superintendent *or* keeper, *or* other officer in whose custody the person is

WHEREAS [2]

[2] Name and description of prisoner.

was committed to your custody under warrant of this Court, dated the day of and [3]

[3] Has since duly given security under section of the Code of Criminal Procedure, *or* and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community.

This is to authorise and require you forthwith to discharge the said [4] from your custody, unless he is liable to be detained for some other cause.

[4] Name.

Given under my hand and the seal of the Court, this

day of 18

Appendix A (Forms for Processes or Proceedings).

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*High Court, Criminal No.* 19 (*No. XVI, Schedule V, Act X,* 1882).

## Order for the Removal of Nuisances.

(SECTION 133 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name, description, and address.

WHEREAS it has been made to appear to me that you [2]

[2] Continue as in Form No XVI, Schedule V, Act X of 1882.

I do hereby direct and require you within [3] to [2]

[3] State the time allowed.

Given under my hand and the seal of the Court, this

day of 18 .

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 20 (*No. XVII, Schedule V, Act X,* 1882).

### Magistrate's Order constituting a Jury.

(SECTION 138 OF THE CODE OF CRIMINAL PROCEDURE)

WHEREAS on the day of 18 ,

an order was issued to [1] requiring him [2]

and whereas the said [1] has applied

to me, by a petition bearing date the

day of , for an order appointing a jury to try whether the said recited order is reasonable and proper, I do hereby appoint [3]

to the jury

to try and decide the said questions, and do require the said jury to report their decision within

days from the date of this order at my office at

Given under my hand and the seal of the Court, this

day of 18

[1] Name.
[2] State the effect of the order.
[3] The names, &c., of the five or more jurors.

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 21 (*No. XVIII, Schedule V, Act X,* 1882).

### Magistrate's Notice and Peremptory Order after the Finding by a Jury.

(SECTION 143 OF THE CODE OF CRIMINAL PROCEDURE)

To[1]

[1] Name, description, and address

I HEREBY give you notice that the jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you[2] is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within[3] on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

[2] State substantially the requisition in the order.

[3] State the time allowed.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 22 (*No. XIX, Schedule V, Act X,* 1882).

### Injunction to provide against Imminent Danger pending inquiry by Jury.

(SECTION 142 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name description, and address.

WHEREAS the inquiry by a jury appointed to try whether my order issued on the day of 18 is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to [2] pending the result of the local inquiry by the jury.

[2] State plainly what is required to be done as a temporary safeguard.

Given under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 23 (*No. XX, Schedule V, Act X,* 1882).

### Magistrate's Order prohibiting the Repetition, &c., of a Nuisance.

(SECTION 143 OF THE CODE OF CRIMINAL PROCEDURE)

Name, description and address.

To [1]

WHEREAS it has been made to appear to me that [2]

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed.[3]

Given under my hand and the seal of the Court, this

day of 18

[1] State the proper recital, guided by Form No. XVI or Form No. XXI of Schedule V, Act X of 1882, as the case may be.

[3] As the case may be.

**Appendix A (Forms for Processes or Proceedings).**

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*High Court, Criminal No.* 24 (*No. XXI, Schedule V, Act X,* 1882).

## Magistrate's Order to prevent Obstruction, Riot, &c.

(SECTION 144 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name, description and address.

WHEREAS it has been made to appear to me that you [2]

[2] Follow the recital given in Form No. XXI, Schedule V, Act X 1882.

I do hereby [2]

Given under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 25 (*No. XXII, Schedule V, Act X,* 1882).

### Magistrate's Order declaring party entitled to retain possession of Land, &c., in dispute,

(SECTION 145 OF THE CODE OF CRIMINAL PROCEDURE.)

IT appearing to me on the grounds duly recorded, that a dispute likely to induce a breach of the peace, existed between [1]

[1] Describe the parties by name and residence, or residence only if the dispute be between bodies of villagers

concerning certain [2] situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said [3]

[2] State concisely the subject of dispute.

[3] The subject of dispute

and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said [4]

[4] Name or names, or description

I do decide and declare that [5]

[5] He is or they are.

in possession of the said [6]

[6] The subject of dispute

and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of [7] possession in the meantime.

[7] His or their

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No. 26 (No. XXIII, Schedule V, Act X, 1882).*

### Warrant of Attachment in the case of a Dispute as to the possession of Land, &c.

(SECTION 146 OF THE CODE OF CRIMINAL PROCEDURE.)

To THE [1]

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace, existed between [2]

concerning certain [3] situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims, as to the fact of actual possession of the said [4]

and whereas upon due inquiry into the said claims,[5]

This is to authorize and require you to attach the said [6] by taking and keeping possession thereof and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties or the claim to possession shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18

[1] Police-officer in charge of the Police-station at *or* to the Collector of

[2] Describe the parties concerned by name and residence, or residence only, if the dispute be between bodies of villagers.

[3] State concisely the subject of dispute.

[4] The subject of dispute.

[5] I have decided that neither of the said parties was in possession of the said (the subject of dispute), *or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid.

[6] The subject of dispute.

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 27 (*No. XXIV, Schedule V, Act X,* 1882).

### Magistrate's Order prohibiting the doing of anything on land or water.

(SECTION 146 OF THE CODE OF CRIMINAL PROCEDURE.)

A DISPUTE having arisen concerning the right of use of [1] situate within the limits of my jurisdiction, the possession of which [2] is claimed exclusively by [3], and it appearing to me on due inquiry into the same, that the said [4] has been opened to the enjoyment of such use by [5] and [6] I do order that the said [7] or any one in their interest, shall not [8] possession of the said [9] to the exclusion of the enjoyment of the right of use aforesaid, until [10] shall obtain the decree or order of a competent Court adjudging [11] to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of 18

[1] State concisely the subject of dispute.
[2] Land *or* water.
[3] Describe the person *or* persons.
[4] Land *or* water.
[5] The public, or if by an individual or a class of persons, describe him or them.
[6] (If the use can be enjoyed throughout the year) that the said use has been enjoyed within three months of the institution of the said inquiry (or if the use is enjoyable only at particular seasons, say) "during the last of the seasons at which the same is capable of being enjoyed."
[7] The claimant *or* claimants of possession.
[8] Take *or* retain.
[9] Land *or* water.
[10] He *or* they.
[11] Him *or* them.

**Appendix A (Forms for Processes or Proceedings).**

*High Court, Criminal No.* 28 (*No. XXV, Schedule V, Act X,* 1882).

## Bond and Bail-bond on a Preliminary Inquiry before a Police-officer.

(SECTION 169 OF THE CODE OF CRIMINAL PROCEDURE.)

I [1] of being charged with the offence of and after enquiry [2] do hereby bind myself to appear at in the Court of on [3] to answer further to the said charge; and in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

*Dated this day of* 18

[1] Name.

[2] Required to appear before the Magistrate of or and after inquiry called upon to enter into my own recognizance to appear when required.

[3] The day of next *or* on such day as I may hereafter be required to attend.

for the above said that he shall attend at in the Court of on [5] further to answer the charge pending against him; and in case of his making default therein [6] to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

*Dated this day of* 18

[4] I hereby declare myself (*or* we jointly and severally declare ourselves and each of us) surety (*or* sureties).

[5] The day of next (*or* on such day as he may hereafter be required to attend.

[6] I hereby bind myself (*or* we hereby bind ourselves).

## Appendix A (Forms for Processes or Proceedings).

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*High Court, Criminal No* 29 (*No. XXVI, Schedule V, Act* X, 1882).

### Bond to Prosecute or give Evidence.

(SECTION 170 OF THE CODE OF CRIMINAL PROCEDURE)

[1] Name
[2] Place

I,[1] of [2]
do hereby bind myself to attend at , in the Court of at o'clock on the day of next, and then and there to[3] in the matter of a charge of against one ; and in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

[3] *Prosecute or* prosecute and give evidence, *or* give evidence

*Dated this* *day of* 18

*Magistrate.*

**Appendix A (Forms for Processes or Proceedings).**

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*High Court, Criminal No.* 30 (*No. XXVII, Schedule V, Act X,* 1882).

## Notice of Commitment by Magistrate to Government Pleader.

(SECTION 218 OF THE CODE OF CRIMINAL PROCEDURE)

THE Magistrate of

hereby gives notice that he has committed one

for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that,[1]

[1] State the offence as in the charge.

*Dated this* *day of* 18

**Appendix A (Forms for Processes or Proceedings).**

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*High Court, Criminal No.* 31.

## Warrant of Commitment for intermediate custody in cases committed to the Sessions.

(SECTION 220 OF THE CODE OF CRIMINAL PROCEDURE.)

To

JAILOR OF

WHEREAS

of

is charged with

and has been committed to take his trial before the Court of

at

You are hereby required to receive the said

into your custody and produce him before the said Court when so required.

*Dated*

(*See Chapter* 1, *Rule* 7, *supra.*)

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 32 (*No. XXVIII* (*I*), *Schedule V, Act X*, 1882).

I,[1]

[1] Name and office of Magistrate &c.

hereby charge you[2]

[2] Name of accused person.

as follows:—

That you, on or about the

day of at

[3]

[3] State the offence.

and thereby committed an offence punishable under Section

of the Indian Penal Code, and within [4]

[4] My cognizance *or* the cognizance of the Court of Session.

And I hereby direct that you be tried [5] by the said Court on the said charge.

[5] *In cases tried by Magistrate omit* "by the said Court."

*Magistrate.*

*Dated this day of*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 33 (*No. XXVIII* (*II*), *Schedule V*, *Act X*, 1882).

### Charges with two heads.

(SECTIONS 221, 222, 223, CODE OF CRIMINAL PROCEDURE.)

I,[1]

[1] Name and office of Magistrate, &c.

hereby charge you[2]

[2] Name of accused person.

as follows:—

*First.*—That you, on or about the

day of at

and thereby committed an offence punishable under Section

of the Indian Penal Code, and within[3]

[3] My cognizance *or* the cognizance of the Court of Session.

*Secondly.*—That you, on or about the day

of at

and thereby committed an offence punishable under Section

of the Indian Penal Code, and within[3]

And I hereby direct that you be tried[4] by the said Court on the said charge.

[4] *In cases tried by Magistrates omit* "by the said Court."

*Dated this* *day of* 18

*Magistrate.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 34 (*No. XXVIII (II), Schedule V, Act X*, 1882).

### Charges with three heads.

(SECTIONS 221, 222, 223, CODE OF CRIMINAL PROCEDURE.)

I,[1]

hereby charge you,[2]

as follows:—

*First.*—That you, on or about the day of

at

and thereby committed an offence punishable under Section of the Indian Penal Code, and within[3]

*Secondly.*—That you, on or about the day of

at

and thereby committed an offence punishable under Section of the Indian Penal Code, and within[3]

*Thirdly.*—That you, on or about the day of

at

and thereby committed an offence punishable under Section of the Indian Penal Code, and within[3]

And I hereby direct that you be tried[4] by the said Court on the said charge.

*Magistrate.*

*Dated*

[1] Name and office of Magistrate, &c.

[2] Name of accused person.

[3] My cognizance *or* the cognizance of the Court of Session.

[4] *In cases tried by Magistrates omit* "by the said Court."

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 35 (*No. XXVIII* (*II*), *Schedule V*, *Act X*, 1882).

### Charges with four heads.

(SECTIONS 221, 222, 223, CODE OF CRIMINAL PROCEDURE)

I,[1]

[1] Name and office of Magistrate, &c

hereby charge you,[2]

[2] Name of accused person.

as follows:—

*First.*—That you, on or about the day of
at

and thereby committed an offence punishable under Section of the Indian Penal Code and within [3]

[3] My cognizance or the cognizance of the Court of Session.

*Secondly.*—That you, on or about the day of
at

and thereby committed an offence punishable under Section of the Indian Penal Code, and within [3]

*Thirdly.*—That you, on or about the day of
at

and thereby committed an offence punishable under Section of the Indian Penal Code, and within [3]

*Fourthly.*—That you, on or about the day of
at

and thereby committed an offence punishable under Section of the Indian Penal Code, and within [3]

And I hereby direct that you be tried [4] by the said Court on the said charge.

[4] *In cases tried by Magistrates omit* "by the said Court"

*Dated* *Magistrate.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 37 (*No. XXIX, Schedule V, Act X,* 1882).

### Warrant of Commitment on a Sentence of Imprisonment or Fine by a Magistrate.

(SECTIONS 245 AND 258 OF THE CODE OF CRIMINAL PROCEDURE).

To

THE [1] OF THE JAIL AT

WHEREAS on the day of 18 the [2] [3] prisoner in case No. of the calendar for 18 , was convicted before me [4] of the offence of [5] under Section [6] of the [7] and was sentenced to [8]

This is to authorize and require you, the said [9] to receive the said [10] into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of 18

[1] Superintendent or keeper.

[2] Name of prisoner.

[3] 1st, 2nd, 3rd, as the case may be.

[4] Name and official designation.

[5] Mention the offence or offences concisely.

[6] Or Sections.

[7] Indian Penal Code *or* of Act.

[8] State the punishment fully and distinctly.

[9] Superintendent or keeper.

[10] Prisoner's name.

*N B.*—This form applies to all Criminal Courts, *mutatis mutandis.* See also instructions in Chapter 1, Rule 7, *supra.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 38 (*Circular order No.* 7 *of* 15*th June* 1881 *and Rule* 2 *of* 2*nd April* 1887).

### Form to be attached to all Warrants of Commitment

*Form*[1] *to be attached to all Warrants of Commitment.*

| Address. | Character. | Previous occupation. | Circumstances under which convicted. | Whether sentence appealable or not. | Other charges pending against prisoner, with Law and section. | Special classification under the rules of the Jail Code. | Former convictions. | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Date. | By whom convicted. | Offence (law and section). | Sentence. |
| | | | | | | | 1 ... | | | |
| | | | | | | | 2 .. | | | |
| | | | | | | | 3 ... | | | |

[1] Procurable from the Superintendent of Stationery. This form should be in the same language as the warrant to which it is attached—(*H. C.* 1430, 1881.)

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 39 (*No. XXX, Schedule V, Act X,* 1882).

### Warrant of Imprisonment on failure to recover amends by distress.

(SECTION 250 OF THE CODE OF CRIMINAL PROCEDURE.)

To

[1] Superintendent *or* keeper.

THE [1] OF THE JAIL AT

[2] Name and description.

WHEREAS [2]

[3] Name and description of the accused person.

has brought against [3]

[4] Mention it concisely.

the complaint that [4]

[5] Frivolous *or* vexatious.

and the same has been dismissed as [5] and the order

[6] Name of complainant.

of dismissal awards payment by the said [6] of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the

[7] Name of complainant.

said [7]

and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid.

[8] Superintendent *or* keper.

This is to authorize and require you, the said [8]

[9] Name.

to receive the said [9] into your custody, together with this warrant, and him safely to keep in

[10] Term of imprisonment.

the said jail for the said period of [10] subject to the provisions of Section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18

(*See Chapter I, Rule 7, supra.*)

## Appendix A (Forms for Processes or Proceedings.)

*High Court, Criminal No.* 40 (*No. XXXI, Schedule V, Act X,* 1882).

### Summons to a Witness.

(SECTIONS 68 AND 252 OF THE CODE OF CRIMINAL PROCEDURE.)

To

of

WHEREAS complaint has been made before me that

of

[1] committed the offence of [2]

and it appears to me that you are likely to give material evidence for the prosecution.

[1] Has *or* is suspected to have.

[2] *State the offence concisely with time and place.*

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court, and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 41 (*No. XXXII, Schedule V, Act X,* 1882).

### Precept to District Magistrate to summon Jurors.

(SECTION 326 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE DISTRICT MAGISTRATE OF

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court, you are hereby required to summon the said persons to attend at the said Court of Session at 10 A.M. on the said date, and within such date, to certify that you have done so in pursuance of this precept.

Here enter the names of jurors and assessors.

Given under my hand and the seal of the Court, this day of 18

**Appendix A (Forms for Processes or Proceedings).**

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*High Court, Criminal No.* 42 (*No. XXXIII, Schedule V, Act X*, 1882).

## Summons to Assessor or Juror.

(SECTION 328 OF THE CODE OF CRIMINAL PROCEDURE)

To

of

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as[1] at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at[2] at ten o'clock in the forenoon on the day of next.

[1] An assessor or juror.

[2] Place.

Given under my hand and seal of office, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 43 (*Rule No.* 5 *of* 10*th June* 1881 *and Rule No.* 5 *of* 4*th May* 1882).

### Warrant for Intermediate Custody.

(SECTION 344 OF THE CODE OF CRIMINAL PROCEDURE)

TO THE OFFICER IN CHARGE OF THE JAIL OF

WHEREAS son of

of Village Pergunnah Police Station in the

District of

is charged with (*a*)

(*a*) Here state offence and law

and has been remanded to custody until the (*b*)

(*b*) Here give date.

You are hereby required to receive the said

into your custody and to produce him before me on the said day

at (*c*)

(*c*) Here state the hour.

*Dated the day of* 18

*Magistrate.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 44 (*No. XXXIV, Schedule V, Act X*, 1882).

### Warrant of Commitment under Sentence of Death.

(SECTION 374 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE[1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS at the Session held before me on the day of 18 [2]

[2] Name of prisoner.

the[3] prisoner in case No. of the calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under Section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the High Court of Judicature in Bengal.

[3] 1st, 2nd, 3rd, as the case may be.

This is to authorize and require you, the said[4] to receive the said[5] into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said High Court.

[4] Superintendent *or* keeper.
[5] Prisoner's name.

Given under my hand and the seal of the Court, this day of 18 .

## Appendix A (Forms for Processes or Proceedings).

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*High Court, Criminal No.* 45 (*Form No. XXXV, Schedule V, Act X,* 1882).

### Warrant of Execution on a Sentence of Death.

(SECTION 381, CRIMINAL PROCEDURE CODE.)

[1] Superintendent *or* keeper.

TO THE[1] OF THE JAIL AT

[2] Name of prisoner.

WHEREAS[2]

[3] 1st, 2nd, 3rd, as the case may be.

the[3] prisoner in case No. of the calendar at the Session held before me on the day of 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the High Court of Judicature in Bengal confirming the said sentence has been received by this Court.

[4] Superintendent *or* keeper.

This is to authorize and require you, the said[4] to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at[5] and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

[5] Time and place of execution.

Given under my hand and the seal of the Court, this day of 18

*Sessions Judge.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 46 (*No. XXXVI, Schedule V, Act X*, 1882).

### Warrant after a Commutation of Sentence.

(SECTIONS 381 AND 382 OF THE CODE OF CRIMINAL PROCEDURE).

To

THE [1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS at a Session held on the day of 18 , [2] the [3] prisoner in case No. of the calendar at the said Session, was convicted of the offence of punishable under Section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of [4]

[2] Name of prisoner.
[3] 1st, 2nd, rd, as the case may be.
[4] Transportation for life *or* as the case may be.

This is to authorize and require you, the said [5] safely to keep the said [6], in your custody in the said jail [7]

[5] Superintendent *or* keeper.
[6] Prisoner's name.
[7] Continue as directed in Form No. XXXVI, Schedule 5, Act X 1882.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 47 (*No. XXXVII, Schedule V, Act X*, 1882).

### Warrant to levy a Fine by Distress and Sale.

(SECTION 386, CRIMINAL PROCEDURE CODE)

To [1]

WHEREAS [2]

was on the day of 18

convicted before me of the offence of [3]

and sentenced to pay a fine of rupees

and whereas the said [4]

, although required to pay the said fine, has not paid the same or any part thereof.

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said [5]

which may be found within the district of

; and, if within [6]

next after such distress the said sum shall not be paid (or forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of 18

[1] Name and designation of the Police officer *or* other person or persons who is or are to execute the warrant.

[2] Name and description of the offender

[3] Mention the offence concisely.

[4] Name.

[5] Name.

[6] State the number of days or hour allowed.

## Appendix A*(Forms for Processes or Proceedings).

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*High Court, Criminal No.* 48.

[*Form of Warrant of Release on Appeal*]

### Warrant of Release on Appeal.

(SECTION 423 OF THE CODE OF CRIMINAL PROCEDURE.)

IN THE COURT OF THE AT

*To the Officer in charge of the Jail at*

WHEREAS

son of of Village of
Pergunnah Police-Station in the District
who was convicted by[1] of the offence of[2]
and was sentenced on the day of to
has been acquitted on appeal by Court:

[1] Name and official designation.
[2] Mention the offence, quoting also Act and Section.

You are hereby directed to discharge the said out of your custody, unless he is liable to be detained for some other matter, and for your so discharging him this shall be your sufficient warrant.

Given under my hand and the seal of the Court, this the day of 18

*Sessions' Judge or Magistrate.*

## Appendix A—(Forms for Processes or Proceedings).

*High Court, Criminal No.* 49.

[*Form of Warrant for use by an Appellate Court when a sentence is modified on appeal—Rule No.* 2, *dated the* 19*th September* 1888.]

### Form of Warrant.

(SECTION 423 OF THE CODE OF CRIMINAL PROCEDURE)

IN THE COURT OF THE AT

*To the Officer in charge of the Jail at*

WHEREAS son of
of Village Pergunnah
Police-Station in the District of
was convicted by
Magistrate of of the offence of
and was sentenced on the
day of 188 to
which conviction and sentence have been modified on appeal by this Court, and in lieu thereof the said has been convicted of the offence of
and sentenced on the day of
188 to

This is to authorise and require you the said Superintendent to receive the said into your custody in the said Jail, together with this warrant, and carry the aforesaid sentence into execution according to law; and this is further to authorise and require you to return to this Court the original warrant of commitment in lieu whereof this warrant is issued.

Given under my hand and the seal of the Court, this
day of 188

*Sessions Judge or Magistrate.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 50.

[*Form of Release Warrant on Bail, for Appellants in Jail.*]

### Order by the Sessions Judge for the Release of a Prisoner on Bail.

(SECTIONS 426 AND 438 OF THE CODE OF CRIMINAL PROCEDURE.)

IN THE COURT OF THE AT

*To the* *of* Accused or convicted.

WHEREAS
of an offence under Section of the By or before.
Magistrate of on the
day of . 18 has been State section or period of remand to jail.
and on to this Appeal or application.
Court an order has been passed under Section of the Case or appeal
Criminal Procedure Code for his release on bail until his
shall have been disposed of:

You are hereby required to release the said
on good and sufficient bail If the amount of bail is fixed by the Appellate Court, enter it here.
accordingly.

Given under my hand and the seal of the Court, this the
day of 18

*Sessions Judge or Magistrate.*

**Appendix A (Forms for Processes or Proceedings).**

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*High Court, Criminal No.* 51.

[*Warrant of Commitment to the Presidency jail of European British subject pending trial before the High Court—C. O. No.* 8 *of* 6*th August* 1866.]

## Warrant of Commitment.

(SECTION 447 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE SUPERINTENDENT OF THE PRESIDENCY JAIL.

WHEREAS

of is (*or* are) charged with (*state offence*) and has (*or* have) been committed to take his (*or* their) trial before the High Court.

You are hereby required to receive the said into your custody and to have the body (*or* bodies) of the said before the said High Court for trial at the Sessions of the Court next ensuing the date hereof.

*Dated the* 18 (*Signature*)

(*Office and powers.*)

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 52.

[*Warrant to Police-officer in case of European British subject committed for trial to the High Court—C. O. No.* 8 *of* 6*th August* 1866.]

### Form of Warrant.

(SECTION 447 OF THE CODE OF CRIMINAL PROCEDURE.)

To (*the name of the officer or officers sent in charge of the prisoner*) and to all other Peace Officers of the Empress of India in the Provinces and Districts of Bengal, Behar, and Orissa, and places subordinate thereto, whom this may concern.

WHEREAS

of is charged with (*state the offence as in warrant of commitment*), and has been committed by me, the undersigned Magistrate, to the Superintendent of the Presidency Jail for trial before the High Court of Judicature at Fort William in Bengal, you are therefore hereby required to receive the said into your custody, and to deliver him into the custody of the Superintendent of the Presidency Jail at Calcutta, to be there safely kept until he shall be thence delivered by due course of law.

*Dated the day of*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 53 (*No. XXXVIII, Schedule V, Act X,* 1882).

### Warrant of Commitment in certain Cases of Contempt when a fine is imposed.

(SECTION 480 OF THE CODE OF CRIMINAL PROCEDURE.)

To THE[1] OF THE JAIL AT .

[1] Superintendent *or* keeper.

WHEREAS at a Court holden before me on this day[2] in the[3] of the Court committed wilful contempt; and whereas for such contempt the said[4] has been adjudged by the Court to pay a fine of rupees or, in default, to suffer simple imprisonment for the space of[5]

[2] Name and description of the offender.

[3] Presence *or* view.

[4] Name of offender.

[5] State the number of months or days.

This is to authorize and require you, the[6] of the said jail, to receive the said[7] into your custody together with this warrant, and him safely to keep in the said jail for the said period of[8] unless the said fine be sooner paid, and on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

[6] Superintendent *or* keeper.

[7] Name of offender.

[8] Term of imprisonment.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 54 (*No. XXXIX, Schedule V, Act X,* 1882).

### Magistrate's or Judge's Warrant of Commitment of Witness refusing to answer.

(SECTION 485 OF THE CODE OF CRIMINAL PROCEDURE)

To[1]

[1] Name and designation of officer of Court.

WHEREAS[2]

[2] Name and description.

being[3]

[3] Summoned *or* brought before this Court.

as a witness, and this day required to give evidence on an enquiry into an alleged offence, refused to answer[4]

[4] A certain question *or* certain questions.

put to him touching the said alleged offence, and duly recorded without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for[5]

[5] Term of detention adjudged.

This is to authorize and require you to take the said[6] into custody, and him safely keep in your custody for the space of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

[6] Name.

Given under my hand and the seal of the Court, this day of 18

*(See Chapter 1, Rule 7.*

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 55 (*No. XL, Schedule V, Act X*, 1882.)

### Warrant of imprisonment on failure to pay maintenance.

(SECTION 488 OF THE CODE OF CRIMINAL PROCEDURE.)

To THE[1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS[2] has been proved before me to be possessed of sufficient means to maintain his[3] who is by reason of[4] unable to maintain[5] and to have[6] to do so, and an order has been duly made requiring the said[7] to allow to his said[8] for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said[7] in wilful disregard of the said order has failed to pay rupees being the amount of the allowance for the month[9] of

[2] Name, description, and address.

[3] Wife (*name*) or his child (*name*).

[4] State the reason.

[5] Herself *or* himself.

[6] Neglected *or* refused.

[7] Name.

[8] Wife *or* child.

[9] *Or* months.

And thereupon an order was made adjudging him to undergo[10] imprisonment in the said jail for the period of

[10] Simple *or* rigorous.

This is to authorize and require you the said[11] to receive the said[7] into your custody in the said jail, together with this warrant, and there carry the said order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

[11] Superintendent or keeper.

Given under my hand and the seal of the Court, this day of 18

**Appendix A (Forms for Processes or Proceedings).**

---

*High Court, Criminal No.* 56 (*No. XLI, Schedule V, Act X,* 1882).

## Warrant to enforce the payment of maintenance by Distress and Sale.

(SECTION 488 OF THE CODE OF CRIMINAL PROCEDURE.)

To[1]

[1] Name and designation of the Police officer *or* other person to execute the warrant.

WHEREAS an order has been duly made requiring[2] [2] Name.

to allow to his said[3] [3] Wife *or* child.

for maintenance the monthly sum of rupees

and whereas the said[2] in wilful disregard

of the said order has failed to pay rupees

being the amount of the allowance for the month[4] of [4] One months.

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said[2]

which may be found within the district of , and if within[5] [5] State the number of days or hours allowed.

next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it immediately upon its execution.

Given under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 57 (*No. XLII, Schedule V, Act X,* 1882).

### Bond and Bail bond on a Preliminary Inquiry before a Magistrate

(SECTIONS 496 AND 499 OF THE CODE OF CRIMINAL PROCEDURE)

I [1] of [2]

being brought before the Magistrate of [3]

charged with the offence of

and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

*Dated this* *day of* 18

[4]

suret for the said [5]

that he shall attend at the Court of

on every day of the preliminary inquiry into the offence charged against him, and should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and in case of his making default therein,[6] to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

*Dated this* *day of* 18

[1] Name.
[2] Place
[3] As the case may be.
[4] I hereby declare myself *or* we jointly and severally declare ourselves and each of us.
[5] Name.
[6] I bind myself *or* we bind ourselves.

Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 58 (*No. XLIII, Schedule V, Act X,* 1882).

## Warrant to discharge a Person imprisoned on failure to give Security.

(SECTION 500, CRIMINAL PROCEDURE CODE).

To

THE[1] OF THE JAIL AT

[1] Superintendent or keeper or other officer in whose custody the person is.

WHEREAS[2]

[2] Name and description of prisoner.

was committed to your custody under warrant of this Court, dated the day of , and has since with his suret duly executed a bond under Section 499 of the Code of Criminal Procedure.

This is to authorize and require you forthwith to discharge the said[3] from your custody, [3] Name.

unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 59.

### Commission to Examine a Witness.

(SECTION 503 OR 506, CODE OF CRIMINAL PROCEDURE.)

*In the High Court of*

The Queen [on the prosecution of

*versus*

[1] Name and designation of Magistrate or officer to whom the commission is issued.

To[1]

WHEREAS

now under trial before the Magistrate of and it is necessary for the purposes of such trial to examine the person named in the margin as witness on behalf of

You are hereby appointed Commissioner with authority under the provisions of section[2] of Act X of 1882, to examine and cross-examine the said witness upon the interrogatories hereunto annexed *or* viva voce, *or both;* And you are hereby required, at certain days and places to be appointed by you for that purpose, to examine and cross-examine the said witness as aforesaid, upon such oath or affirmation as is by law required to be taken by witnesses; And you are hereby further required to reduce the evidence of the said witness into writing, and to send the same, under your signature, to this Court without delay, together with such documents as may be spoken to by the said witness, marked as exhibits, and the said interrogatories and this writ.

[2] 503 *or* 506.

Dated at the day of in the year one thousand eight hundred and

*Judge.*

**Appendix A Forms for Processes or Proceedings).**

*High Court, Criminal No.* 60 (*No. XLIV, Schedule V, Act X*, 1882).

## Warrant of Attachment to enforce a Bond.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE POLICE OFFICER IN CHARGE OF THE POLICE STATION AT

WHEREAS[1] has failed to appear on[2] pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees[3] and whereas the said[4] has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

[1] Name, description, and address of person.
[2] Mention the occasion.
[3] The penalty in the bond.
[4] Name of person.

This is to authorize and require you to attach any moveable property of the said[4] that you may find within the district of by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 61 (*No. XLV, Schedule V, Act X*, 1882).

### Notice to Surety on Breach of a Bond.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To of

WHEREAS on the day of 18 ,

[1] Name.
[2] lace.

you became surety for[1] of[2] that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said [1] has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees

You are hereby required to pay the said penalty, or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of 18

Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 62 (*No. XLVI, Schedule V, Act X,* 1882).

## Notice to Surety of Forfeiture of Bond for Good Behaviour.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To

WHEREAS on the day of 18 ,

you became surety by a bond for [1] [1] Name.

of [2] that he would be of good behaviour for the [2] Place.

period of , and bound yourself in default thereof

to forfeit the sum of rupees to Her Majesty the

Queen, Empress of India; and whereas the said [1]

has been convicted of the offence of [3] [3] Mention the offence concisely

committed since you became such surety, whereby your security

bond has become forfeited.

You are hereby required to pay the said penalty of rupees

or to show cause within days why it

should not be paid.

Given under my hand and the seal of the Court, this

day of . 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 63 (*No. XLVII, Schedule V, Act X,* 1882).

### Warrant of Attachment against a Surety.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To

WHEREAS[1] has bound himself as surety for the appearance of[2] and the said[3] has made default and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees[4]

[1] Name, description, and address.

[2] Name of person, and mention the condition of the bond.

[3] Name.

[4] The penalty in the bond.

This is to authorise and require you to attach any moveable property of the said[3] which you may find within the district of by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Give under my hand and the seal of the Court, this

day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 64 (*No. XLVIII, Schedule V, Act X,* 1882.)

### Warrant of Commitment of the Surety of an Accused Person admitted to Bail.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE [1] OF THE CIVIL JAIL AT

[1] Superintendent *or* keeper.

WHEREAS [2]

has bound himself as a surety for the appearance of [3]

and the said [4] has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said [5] has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the civil jail for [6]

[2] Name and description of surety.
[3] Name of accused person, and state the condition of the bond.
[4] Name of accused person.
[5] Name of surety.
[6] Specify the period.

This is to authorize and require you, the said [7] to receive the said [5] into your custody with this warrant, and him safely to keep in the said jail for the said [8] and to return this warrant with an endorsement certifying the manner of its execution.

[7] Superintendent *or* keeper.
[8] Term of imprisonment.

Given under my hand and the seal of the Court, this

day of 18

*(See Chapter I, Rule 7, supra.)*

Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 65 (*No. XLIX, Schedule V, Act X,* 1882).

## Notice to the Principal of Forfeiture of a Bond to keep the Peace.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To[1]

[1] Name, description and address.

WHEREAS on the day of 18 , you entered into a bond not to commit[2] and proof of the forfeiture of the same has been given before me and duly recorded.

[2] As in the bond.

You are hereby called upon to pay the said penalty for rupees or to show cause before me within days why payment of the same should not be enforced against you.

*Dated this day of* 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 66 (*No. L, Schedule V, Act X,* 1882).

### Warrant to attach the Property of the Principal on Breach of a Bond to keep the Peace.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To[1]

AT THE POLICE STATION OF

[1] Name and designation of Police officer.

WHEREAS[2] did, on the day of 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace[3] and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said[4] calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum.

[2] Name and description.

[3] As in the bond.

[4] Name.

This is to authorize and require you to attach by seizure moveable property belonging to the said[4] the value of rupees which you may find within the district of , and if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 67 (*No. LI, Schedule V, Act X,* 1882).

### Warrant of Imprisonment on Breach of a Bond to Keep the Peace.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Superintendent *or* keeper.

TO THE[1] OF THE CIVIL JAIL AT

WHEREAS proof has been given before me and duly recorded that[2]

[2] Nam and description.

has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ;

[3] Name.

and whereas the said[3] has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said[3] in the civil jail for the period of[4]

[4] Term of imprisonment.
[5] Superintendent *or* keeper.

This is to authorize and require you, the said[5] of the said civil jail, to receive the said[3] into your custody, together with this warrant, and him safely to keep in the said jail for the said period of[4] and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and seal of the Court, this day of 18

(*See Chapter I, Rule 7. supra.*)

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 68 (*No. LII, Schedule V, Act X,* 1882).

### Warrant of Attachment and Sale on Forfeiture of Bond for Good Behaviour.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE POLICE OFFICER IN CHARGE OF THE POLICE STATION AT

WHEREAS[1] did on the day of 18 give security by bond in the sum of rupees for the good behaviour of[2] and proof has been given before me and duly recorded of the commission by the said[3] of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said[3] calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum.

[1] Name, description, and address.

[2] Name, &c., of the principal.

[3] Name.

This is to authorize and require you to attach by seizure moveable property belonging to the said[3] to the value of rupees which you may find within the district of and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18

## Appendix A (Forms for Processes or Proceedings).

*High Court, Criminal No.* 69 (*No. LIII, Schedule V, Act X,* 1882).

### Warrant of Imprisonment on Forfeiture of Bond for Good Behaviour.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE)

[1] Superintendent *or* keeper.

TO THE[1] OF THE CIVIL JAIL AT

[2] Name, description and address.

WHEREAS[2] did on the day of 18 give security by bond in the sum of rupees for the good behaviour of[3] and proof of the breach of the said bond has been given before me and duly recorded, whereby the said[4] has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said[4] in the civil jail for the period of[5]

[3] Name, &c., of the principal.

[4] Name.

[5] Term of imprisonment

This is to authorize and require you, the said[6] to receive the said[4] into your custody, together with this warrant, and him safely to keep in the said jail for the said period of[5] ; returning this warrant with an endorsement certifying the manner of its execution.

[6] Superintendent or keeper.

Given under my hand and the seal of the Court, this day of 18

*(See Chapter I Rule 7, supra.)*

**Appendix A (Forms for Processes or Proceedings)**

*Criminal No* 70.

## Warrant for the Production of a Prisoner in a Criminal Court to answer a Charge.

(SECTION 3, ACT XV OF 1869)

*Court of*

To

THE OFFICER IN CHARGE OF THE

You are hereby required to have the body of

, now a prisoner in

under safe and sure conduct before the at

on the day

next by of the clock in the forenoon of the same day, there to answer a charge now pending before

and after such charge shall have been disposed of or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail

Dated this day of

Appendix A (Forms for Processes or Proceedings).

*Criminal No* 71

## Warrant for the Production of a Prisoner in a Civil or Criminal Court to give evidence.

(SECTIONS 3 AND 4, ACT XV OF 1869)

*Court of*

To

THE OFFICER IN CHARGE OF THE

You are hereby required to have the body of

, now a prisoner

in under safe and sure conduct before the

at

on the day of next by

of the clock in the forenoon of the same day, there to give testimony in a now pending before

against

and after the said

shall then and there have given his testimony before the said

or the said

shall dispense with his further attendance,

cause him to be conveyed under safe and sure conduct back to the said jail.

Dated this day of

**Appendix A (Forms for Processes or Proceedings).**

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*High Court, Criminal No. 72.*

## Warrant by Justice of the Peace to Keeper of the House of Correction.

*No*

To

THE KEEPER OF THE HOUSE OF CORRECTION AT CALCUTTA.

RECEIVE into your custody the bod of herewith sent you, the said being charged and convicted before me, Magistrate and one of Her Majesty's Justices of the Peace, acting in and for the Town of in Bengal, with having on the day of in the Year of our Lord, One Thousand Eight Hundred and

And the said safely, for the space of from the of 18 , when you will discharge from your custody.

GIVEN UNDER MY HAND AND SEAL, this day of in the Year of our Lord 18

*Justice of the Peace.*

(*See Chapter I, Rule 7, supra*)

## Appendix A. (Forms for Processes or Proceedings).

*High Court, Criminal No.* 73.

[*Form of Warrant for Detention in Reformatory—C. O. No. 6 of 29th June* 1878.]

### Order of Detention in A Reformatory School.

(SECTIONS 8 AND 9 OF "THE REFORMATORY SCHOOLS ACT" OF 1876.)

IN THE COURT OF AT

WHEREAS

son of , resident of
Village of , Pergunnah
District , has on the day of
18 been convicted by
at
of the offence of , and
has been sentenced to imprisonment
for , which sentence he
is now undergoing in the jail at

And whereas the said is under the age of sixteen years and is a proper person to be an inmate of a Reformatory School:

It is therefore ordered that, instead of undergoing his sentence he be detained for a period of years in the Reformatory School at

Given under my hand and the seal of the Court, this the day of 18

---

The Sessions Judge should be informed when a juvenile, whom he has dealt with under section 7, Act V of 1876, is not admitted to the Reformatory, in order that he may substitute for the "Order of detention" a regular warrant committing him to jail.—*(H. C. No. 1071 of 1882.)*

Every Judicial Officer should, before sentencing a juvenile to be detained in a Reformatory, ascertain whether the School can receive him.—*(H. C. No. 1234 of 1882.)*

In connection with this subject, see Government of Bengal Circular No. 46P of 12th September 1882, and the rules under section 82 of Act V, 1876, published in the *Calcutta Gazette* of the 20th March 1878 *(H. C. Circular letter No. 1831, of 30th September 1882).* See also Government of Bengal's. Circulars Nos. 17 and 18 P.-D. (Jails), of 23rd July 1883, to all Sessions Judges and District Magistrates, on the subject of vacancies in the Alipore and Hazaribagh Reformatories.

## Appendix B (Miscellaneous Forms).

NOTE.—*Forms* 1 *to* 9 *and* 11 *to* 43 *are to be found in Chapter V at pages* 194—230.

*Forms* 44 *to* 70 *are to be found in the same Chapter at pages* 241 to 289.

*Forms* 71 *to* 80 *are to be found in Chapter III at pages* 116, 123 to 130, 132 *and* 133, 139 *and* 146. *They are therefore not inserted here.*

*High Court, Criminal No.* (*M.*) 10.

### Monthly Certificate of Inspection of Register of Convictions.

(*C. O. No.* 10 *of* 3*rd September* 1878.)

FORM OF CERTIFICATE.

I certify that I have inspected the Register of Convictions prescribed by the High Court, and that it has been duly written up, and that the returns from Subdivisional Offices for the three months of the quarter of 18 have been received and incorporated.

*Magistrate of the District.*

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No. (M.) 81.*

List of Records sent to the District Record-room—*(C. O. No. 6 of 10th November 1890.)*

*List of records sent to the District Record-room from the Court of* _____.

| Serial number of record. | Sadar Station or Subdivision. | Name of Magistrate. | Serial Number of case in the— | | | | Name of complainant. | Name of accused. | Nature of the case with the section of the Penal Code or other Act applicable. | Final order passed, and details of sentence. | Result of appeal or revision. | Date of decision. | Class of case under Rule 13. | File A or B. | Names of proclaimed offenders not arrested. | Note if case falls under Rule 14, clause 3. | Dates of destruction of files and initials of officer superintending destruction | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Register of complaints of offences. | Magistrate's General Register of cases cognizable by the Police | Register of unimportant cases cognizable by the Police in which the first information report is not used. | Register of miscellaneous cases. | | | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | | | | | | | | | | | | | | | | | | |

*Date of despatch*

*Signature of the Officer of despatching Court.*

*Date of receipt*

*Signature of District Record-keeper.*

Appendix B (Miscellaneous Forms)

*High Court, Criminal No. (M.)* 82.

## Form for recording Complaint.

THE COMPLAINT OF _____

aged about _____ years, taken on oath *or* solemn affirmation[1] [1] Strike out words as may be necessary.

under the provisions of Act X of 1873, before me _____

_____ Magistrate and Justice of the Peace,

this _____ day of _____ 18 .

My name is _____

My father's name is _____ I am

by caste _____ My home is at Mauza _____

_____ Parganah _____ Zilla _____

I reside at Mauza _____ Parganah _____

_____ where I am _____

**Appendix B (Miscellaneous Forms).**

---

*High Court, Criminal No.* (*M.*) 83.

## Form for recording Deposition.

(*C. O. No.* 2 *of* 25*th February* 1889.)

THE DEPOSITION OF _____

* Strike out words as may be necessary.

aged about _____ years, taken on oath *or** solemn affirmation under the provisions of Act X of 1873, before me _____

_____ of _____

this _____ day of _____ 18

My name is _____

My father's name is _____ I am

by caste _____ My home is at Mauza _____

Police Station _____ Zilla _____ I reside at present in

Mauza _____ Police Station _____ Zilla

_____, where I am _____

**Appendix B (Miscellaneous Forms)**

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*High Court, Criminal No.* (*M.*) 84.

[Form for recording Confessions.]

(*C. O. No.* 3 *of* 24*th March* 1880.)

## Statement of accused Person.

(SECTION 164 OF THE CODE OF CRIMINAL PROCEDURE.)

The Statement of , aged about years,
made before me , Magistrate of the class,
at , on the day of 18 :—

My name is
My father's name is
I am by caste , and by occupation
My home is at Mouzah , Thannah
District I. reside at

(*Signature or mark of the accused.*)

I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(*Signed*) *A. B.*,
*Magistrate.*

## Appendix B (Miscellaneous Forms).

---

*High Court, Criminal No.* (*M.*) 85.

[Form of recording Examination of Accused.]

(*C. O. No.* 3 *of* 24*th March* 1880.)

### Examination of Accused Person.

(SECTION 364 OF THE CODE OF CRIMINAL PROCEDURE)

The Examination of , aged about years,
taken before me , Magistrate of the class,
at , on the day of 18 :—

My name is
My father's name is
I am by caste , and by occupation
My home is at Mouzah , Thannah
District I reside at

(*Signature or mark of the accused.*)

The above examination was taken in my presence and hearing, and contains a full and true account of the statement made by the accused.

(*Signature of Magistrate.*)

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 86—*C. O. No.* 1 *of* 11*th July* 1888.

Form of Order Sheet to be attached to all records.

ORDER-SHEET.

*DISTRICT*

*In the Court of* *of*

*No.* *of* 18

*versus*

| Serial No. of Order. | Date. | Order. | Signature. |
|---|---|---|---|
| | | | |

**Appendix B (Miscellaneous Forms).**

---

*High Court, Criminal No.* (*M.*) 87—*C. O. No.* 6 *of* 10*th November* 1890.

Form of Title Page to be attached to all records.

## TITLE PAGE.

FILE.

*In the Court of the* *of*

*Case No.* *of* 189

*Complainant,*
*Applicant,*

*Accused.*
*Opposite Party.*

Section of the Indian Penal Code or other law

Date of the decision of the Original Court

Date of the decision of Appellate or Revisional Court

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 88—*C. O. No.* 6 *of* 10*th November* 1890.

### Form of Table of Contents to be attached to all Records.

TABLE OF CONTENTS.

*District* *Court.*

*Case No.* *of* 189 .

*Complainant,*
*Applicant,*

*Accused.*
*Opposite Party.*

*File.*

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Serial Number of paper. | Sheets. | Description. | Value of Court-fee stamp. | Period for which to be preserved. | REMARKS. |
| | | | | | |

Total value of Court-fee stamps

(Signed)

*Officer of Court.*

Compared and found correct.

*Record-keeper.*

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 89—*C. O. No.* 6 *of* 10*th November* 1890.

### List of Exhibits for use in Criminal Courts.

LIST OF EXHIBITS.

*Court of* *at*

*Case No.* *of* 189

*Complainant,*
*Applicant,*
*Accused.*
*Opposite Party.*

Section of the Indian Penal Code or other law

| Serial Number. | Nature of document. | By whom filed. | Date of filing. | Descriptive mark. | REMARKS. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

Compared and found correct.

(Signed)

*The* 189

*Record-keeper.*

Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 90—*C. O. No.* 6 *of* 10*th November* 1890.

## Notice to take back documents for use in Criminal Courts.

NOTICE TO TAKE BACK DOCUMENTS.

*In the Court of*

*Case No.* *of* 189

of } *Complainant, Applicant,*

*versus*

of } *Accused. Opposite Party.*

The parties in the above case are hereby required to take back into their custody, within six months from the date hereof, the documents now in the custody of the Court, filed by them as evidence in the above case, the judgment (or order) now having become final. The parties are distinctly warned that the documents are kept at their own risk, and that the Court from this date declines all responsibility for their safe custody, and that, if not taken back, they will be destroyed when the record is destroyed.

*The* 189

*Presiding Officer.*

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 91.—*C. O. No.* 40 *of* 13*th April* 1857.

### Form of letter to Civil Surgeon, to be sent with Dead Bodies or Wounded Persons.

(SECTION 174 OF THE CODE OF CRIMINAL PROCEDURE.)

FROM

THE MAGISTRATE OF

To

THE CIVIL SURGEON OF.

SIR,—I have to request the favour of your examining sent to the hospital on the . Be so good as to fill up the columns on the reverse of this letter,[1] and return it to me with such remarks as you may consider necessary to show clearly your opinion of the cause of

2. All that is at present known of the case is as follows:—

I have the honour to be,
SIR,
Your most obedient servant,

MAGISTRATE'S OFFICE,
*The* 18

*Magistrate.*

[1] *Form on back of the letter to Civil Surgeon*

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Nature of injury, *i.e.*, whether a cut, a bruise, or a burn, &c., &c. | Size of each injury in inches, *i.e.*, length, breadth, and depth. | On what part of the body inflicted. | Slight, severe, or dangerous. | By what kind of weapon inflicted. | REMARKS. |
| | | | | | |

HOSPITAL,

*The* 18.

*Civil Surgeon.*

Appendix B (Miscellaneous Forms)

---

*High Court, Criminal No.* (*M.*) 92.

No.

To

THE CIVIL SURGEON,

*Dated the* 18

SIR,

I have the honour to request you will make a *post-mortem* examination of the body of

herewith sent to you, and report the result to this office.

I have the honour to be,
SIR,
Your most obedient Servant.

*Magistrate.*

*Magistracy*

Appendix B (Miscellaneous Forms).

---

*High Court, Criminal No.* (*M.*) 93.

FROM

THE MAGISTRATE OF

To

THE CIVIL SURGEON OF

*The* 18

SIR,

I shall be obliged by your examining the prisoner herewith sent to you and informing me whether he is in a state of health to receive strokes with a rattan.

I am,
SIR,
Your obedient Servant,

*Magistrate.*

## Appendix B (Miscellaneous Forms).

---

*High Court, Criminal No. (M.)* 94.

(SECTION 464 OF THE CODE OF CRIMINAL PROCEDURE)

FROM

THE MAGISTRATE OF

To

THE CIVIL SURGEON OF

*Dated* 18

SIR,

alleged to be an insane, is forwarded for examination. If after examination you think he should be sent to a Lunatic Asylum, you are requested to furnish me with a certificate in the prescribed form at your earliest convenience.

I have the honour to be,
SIR,
Your most obedient Servant,

*Magistrate.*

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 95—*C. O. No.* 12, *of* 25*th November* 1882.

## Form of Application for Information for use in Criminal Courts.

A.

*Form of Application for Information.*

| Number and date. | Name and residence of applicant. | Nature of the information required. | Date on which the information is to be ready. | Signature of officer receiving the application. | REMARKS. |
|---|---|---|---|---|---|
| | | | | | |

NOTE.—These forms may be procured from the Head Clerk of the Court at 1 price per single form, or 100 for a rupee.

The person applying for information is to fill up columns 1 (except the No.), 2, and 3, and present it to the officer appointed to receive such applications, who, if the information required cannot be immediately supplied, will fill up, tear off, and return the bottom part of the form to the applicant.

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No. (M.) 96—C. O. No. 2 of 2nd. February* 1885.

## Form of Application for Copies for use in Criminal Courts.

B.

*Form of Application for Copies.*

Petition for copy.

Court-fee stamp of the value of 1 anna.

If the copy is wanted on the day of application, court-fee stamp of the value of 1 rupee must be attached here.

Application is made by me, the undersigned, for certified / uncertified copy of in the case *versus* decided by the of on the

*Dated* 18 .

(Signature of applicant.)

---

Rs. A.

Copyist's report—

The copy applied for will amount to folios and will require stamped sheets, each of the value of 2 annas, total

Also court-fee stamps (for certified copy) ... ... ... ... .

Also extra court-fee stamps for urgency

Also 4-anna court-fee stamps for searching-fee ... ... ... ... ... ...

TOTAL ...

(Signature of copyist)

*Dated* 18

These were filed by the applicant on the

*Dated*

(Signature of Court.)

---

Received from in the case of an application for copy of *versus* decided by the of on the

*Dated* 18 .

(Signature of Court.)

NOTE.—This portion of the form must be filled up by the applicant He will receive it back signed by the Court, and on his presenting it, either personally or by an agent whose name has been endorsed on the back, on the first open day after to-day and on supplying with it the necessary stamped papers, he will (there being no objection) be granted a copy.

These forms are also supplied in Bengali, Hindi, and Uriya.

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M*) 97.

### Court Inspector's Daily Book of Prisoners to be produced before the Magistrates.

### যে সকল কয়েদীকে মাজিষ্ট্রেটের নিকট উপস্থিত করিতে হইবে কোর্ট ইন্‌স্পেক্টরের রক্ষিত তাহাদিগের দৈনিক রেজিষ্টরি বহি।

| No of Warrant ওয়ারেণ্টের নম্বর। | Name of Prisoner. কয়েদীর নাম। | Initials of Jailor জেলারের দস্তখতের আদ্যক্ষর। | Initials of Court Inspector কোর্ট ইন্‌স্পেক্টরের দস্তখতের আদ্যক্ষর। | Order of Magistrate. মাজিষ্ট্রেটের হুকুম। |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No. (M.) 98.*

Return of Processes issued and Fees levied in the Court of the Magistrate of during the month of

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| District or Sub-division. | Establishment. | Nature of process issued. | Number of processes. | Amount of fees levied. | Remarks. |
| | Peons at Rs. 7. | 1. Warrant of arrest for one person. | | | |
| | | Additional person in above. | | | |
| | | 2. Summons for one person or first two in same place. | | | |
| | | Additional person in above. | | | |
| | Charges for boat hire. | 3. Proclamations under Section 87, C. Cr. P. | | | |
| | | 4. For witness—Section 87, C. Cr. P. | | | |
| | | 5. Warrant of attachment. | | | |
| | | Fees to Officer in charge. | | | |
| | Total outlay. | 6. Warrant to levy fine or maintenance. | | | |
| | | Percentage . . . | | | |
| | | 7. Written order, Injunction, Notice. | | | |
| | | Total | | | |

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No. (M.) 99.*

Names and particulars of persons convicted or discharged by way of Summary Trial in the District of during the month of 18

| NAMES OF THE ACCUSED. (Where more than one, the first only need be named, but the number of persons should be specified). | Offence *charged* (by section of Penal Code, &c.) | Alteration of charge, if any, by Magistrate. | Convicted or acquitted. | Sentence, if convicted. | Number of witnesses examined. | Date of decision. | Name of Magistrate or Designation of Bench. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 100.

No.

FROM

THE MAGISTRATE OF

To

THE MAGISTRATE OF

*Dated* 189

SIR,

I have the honour to inform you that the

has been fixed for the trial of the case noted in the margin, and to request that you will be so good as to send the witnesses to the Sessions Court on that day.

I have the honour to be,

SIR,

Your most obedient servant,

*Magistrate.*

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 101.

No.

To

THE CIVIL SURGEON OF

*Dated* 189

SIR,

I have the honour to request that you will attend at the Sessions Court on

the at A.M., to give your evidence in the case of

I have the honour to be,

SIR,

Your most obedient Servant,

## Appendix B (Miscellaneous Forms).

---

*High Court, Criminal No.* (*M.*) 102.

Rubakari for sending records to the Sessions Court.

নথী প্রেরণের রোবকারী।

জেলা আদালত

যেহেতু

আপীল মতে

শ্রীযুক্ত সাহেব

ফরিয়াদী তাঁহার সন তারিখের

বনাম রোবকারী দ্বারা পার্শ্বলিখিত মোকদ্দমার

নথী তলব করিয়াছেন অতএব

আসামী হুকুম হইল যে

এই রোবকারী এক খণ্ড প্রতিলিপি সম্বলিত উক্ত মোকদ্দমার নথীস্থ সমস্ত কাগজাতের ফিরিস্তী সহ উক্ত নথী

নিকট পাঠান যায়।

সন ১৮

তারিখ মাজিষ্ট্রেট

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 103.

### Heading for Sessions Record.

Court of Sessions Judge of

Trial No. of the Sessions for 18

Case No. for 18 , of the Magistrates'

Calendar for

Committing Officer

Trial held under Act X of 1882.

" } Foreman.
"
"
" } Jurors.
"
"
"
"

The Queen *vs.* No.
No.
No.
No.
No.
No.
Charges.

1st

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 104—*C. O. No.* 5 *of* 14*th October* 1879.

### Form of Letter from Committing Magistrate to the Sessions Judge notifying commitment.

FROM

THE MAGISTRATE OF

To

THE SESSIONS JUDGE OF

SIR,—I beg to report that I have this day committed, to take his trial before the Court of Session, the person named in the margin on the charge specified below.

I have, &c.,

A. B.,

*Magistrate* (*as the case may be*).

(*Charges should follow here.*)

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M*) 105—*C. O No.* 5 *of* 14*th October* 1879.

## Form of District Magistrate's Calender of accused persons committed to the Sessions.

(*Form of District Magistrate's Calendar*)

*Calender of Accused Persons for trial before the Court of Session.*
*Session of* 18

| Number of case. | Committing Officer. | Number and name of accused. | Charges and under what law. | Date of offence | Date of apprehension or appearance to summons | Date of commitment. | In jail or on bail. | Finding and sentence or other order of the Court of Session as regards each prisoner |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M.*) 100— *C.O. No.* 5 *of* 14*th October* 1879.

### Form of Sessions Statement (to be submitted by Sessions Judge to the High Court after each Session).

*Calendar of Accused Persons tried or brought before the Court of Session for the Division of at the Sessions held in the month of* 18

| Serial number. | Name of each accused person. | Age or supposed age. | Offences—nature of. | Date of— | | | | Verdict of jury or opinion of assessors. | Sentence passed. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Offence. | Apprehension. | Commitment. | Sentence. | | | |
| 1 | 2 | 3 | 4 | 5 | | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

Appendix B (Miscellaneous Forms)

---

*High Court, Criminal No.* (*M*) 109.

## Petition of Appeal.

OF

convicted and sentenced by the

of on the day of 18

under section of

SHEWETH,

Appendix B (Miscellaneous Forms).

---

*High Court, Criminal No.* (*M*) 110.

*Heading of Judgment of Appellate Court*]

Court of Session, Appellate Jurisdiction.

*The* 18

CRIMINAL APPEAL No. OF 18

Appeal from the order of Magistrate

of Dated 18

Appellant.

## Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M*) 111.

List of Criminal Appeals decided to be forwarded by Appellate Court to the Superintendent of Jail for communication of result of appeal to prisoners.—C. O. No. 2 of 19th September 1888.

*List of Criminal Appeals heard by the* $\frac{\textit{Magistrate}}{\textit{Sessions Judge}}$ *of*

*on* 18

| Name and father's name of the prisoner. | Offence and date of conviction and sentence. | Magistrate against whose order the appeal is preferred. | Order passed in appeal. | REMARKS. |
|---|---|---|---|---|
| | | | | |

For the language of this form, see Rule 31, clause (2), paragraph 2, *supra*.
In appeals from orders of Sessions Judges the latter (and not the District Magistrate) should communicate the result to the Appellant, through the Jail officer, on this form.

MEMO.

Forwarded to the Officer in charge of the Jail for communication to the appellants.

COURT OF

*The* 18 } *Sessions Judge or Magistrate.*

## Appendix B (Miscellaneous Forms).

---

*High Court, Criminal, No.* (*M*) 112.

(RULE No. 6 OF 5TH AUGUST 1885)

FROM

THE DISTRICT MAGISTRATE OF

To

THE

SIR,

I have the honour to request that you will forward to this office, on or before the , the original records of the case noted in the margin.* The records are required under Section 421 (or 423) of Act X of 1882.

, *Complainant*
*versus*
, *Defendant.*

I have, &c.,

MAGISTRATE'S OFFICE,
*The* 18 .

## Appendix B (Miscellaneous Forms)

*High Court, Criminal No* (*M*) 113.

No

FROM
THE

TO
THE

*Dated the* 18

SIR,

Under section 422 of the Code of Criminal Procedure, I beg to inform you that the case marginally noted is set down for hearing on the , and also to request that you will give notice thereof to the appellant, intimating to me hereon that you have done so.

Convicted by the
of on the
18

I have the honour to be,
Sir,
Your most obedient servant,

---

Memo. No.
*Dated the* 18

FORWARDED in original to the Superintendent of the Jail for compliance and return.

*Magistrate.*

---

Memo. No.
*Dated the* 18

COMMUNICATED to the prisoner and returned.

*Superintendent of Jail,*

---

Memo. No.
*Dated the* 189

RETURNED to the Sessions Judge of

*Magistrate.*

Appendix B (Miscellaneous Forms).

---

*High Court, Criminal No.* (*M*) 114.

*Memo. No.*

FROM

THE MAGISTRATE OF

To

THE SUB-DIVISIONAL OFFICER OF

The Sessions Judge of having fixed the day of 18 as the date of hearing of Criminal appeal* noted in the margin, against your order, please state whether the appearance of the Public Prosecutor is necessary to uphold your order.

*Magistrate.*

*The* MAGISTRACY, 189

Appendix B (Miscellaneous Forms)

---

*High Court, Criminal No* (*M*) 115.

*Memo. No.*

FROM

THE MAGISTRATE OF

To

THE PUBLIC PROSECUTOR

You are directed to appear on behalf of Government in the Criminal appeal* noted in the margin, the date of hearing of which has been fixed by the Sessions Judge on the

189

*Magistrate*

*The* MAGISTRACY, 189 .

Appendix B (Miscellaneous Forms).

---

*High Court, Criminal No* (*M*) 116.

To the Registrar of the High Court of Judicature, Appellate Jurisdiction.

*Fort William,*

Sir,

I forward, for the purpose of being laid before the Court, petition of appeal (with copy of the judgment annexed) dated the day of 18 from convicted by the at of an offence under section of on the day of last.

I have the honour to be,
Sir,
Your obedient Servant,

*The of 18*

*Supdt. of the Jail.*

Appendix B (Miscellaneous Forms).

*High Court, Criminal No.* (*M*) 117.

## Letter from Superintendent of Jail to Sessions Judge, reporting that an appeal has been made to the High Court.

C. O.

To

THE SESSIONS JUDGE OF

The undersigned begs to report, for the information of the Sessions Judge, that an appeal by the prisoner against the Judge's sentence or order, dated and noted at foot, has this day been presented to the Officer in charge of the Jail, and has been forwarded to the High Court, as required by section 420 of the Code of Criminal Procedure.

*Officer in charge of the Jail.*

**Appendix B (Miscellaneous Forms).**

---

*High Court, Criminal No (M)* 118.

No.

FROM

THE SESSION JUDGE OF

To

THE REGISTRAR OF THE HIGH COURT OF
JUDICATURE AT FORT WILLIAM IN BENGAL,

CALCUTTA.

*Dated the* 189

SIR,

I have the honour to forward the Proceedings of this Court and the original Record of Commitment in the case noted in the margin. Government, *vs.*

I have the honour to be,
SIR,
Your most obedient Servant,

*Session Judge.*

**Appendix B (Miscellaneous Forms).**

---

*High Court, Criminal No. (M)* 128.

Put up.

SERIAL No.

_____ DEPARTMENT.

(18 ) Office.

FROM

No. , dated
Encls. Received

| Collection No. | Title |
|---|---|
| FILE No. | SUBJECT. |

Order issued, No. , dated
Ditto No. , dated
Ditto No. , dated

B

*Entd.* *Copied* *Exd.* *Entd.* *No.* *dated.*

**Appendix B (Miscellaneous Forms)**

---

*High Court, Criminal No* (*M*) 129.

SERIAL No.

_____ DEPARTMENT.

(18 . ) Office.

To

No. , dated

Encls. despatched

---

**Collection No.** **Title**

---

FILE No. SUBJECT.

---

| | | | |
|---|---|---|---|
| Reply received, | No. . | , dated | B. |
| Ditto | No. | , dated | B. |
| Ditto | No. | , dated | B. |

---

---

---

*Entd.* *Copied.* *Exd.*

GOVERNMENT STATIONERY OFFICE.

FROM

MEMO.

Register No.

Date

Receipt No.

When supplied

When advised

MEMO. No.

THE undersigned begs to advise despatch on the _____ of _____ by _____ containing the forms entered in column 13, and to request that you will be good enough to fill up and sign the form of receipt herewith given, and return it at an early date.

*Asst Supdt, Govt. Stationery Office,*

*Form Store Dept.*

*The* 189

To

THE

RECEIPT No.

I HEREBY certify that I have received the forms entered within in column 19 in case in good condition. The boxes were opened and the forms examined in my presence.

*The* 189

# ALPHABETICAL INDEX

TO THE

# RULES AND ORDERS

OF THE

# HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

## (CRIMINAL.)

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